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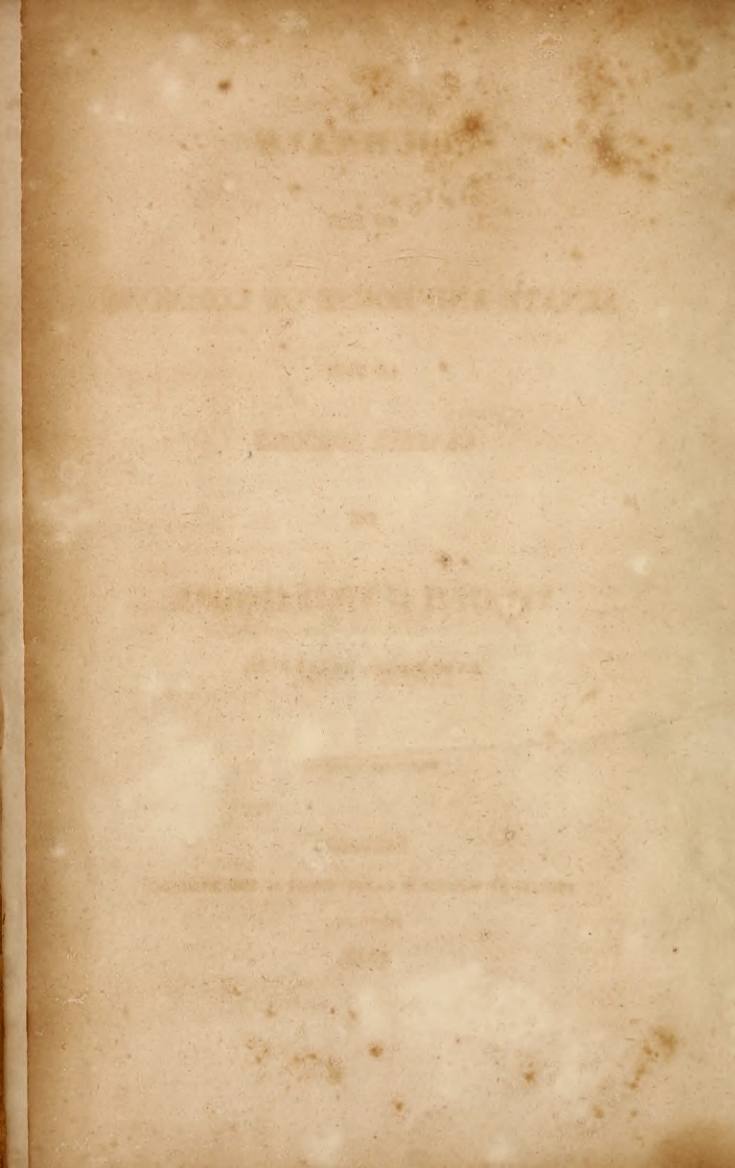
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JOURNALS
OF THE
SENATE AND HOUSE OF COMMONS
OF THE
GENERAL ASSEMBLY
OF
THE STATE OF NORTH CAROLINA,
At its Session in 1844-'45.

RALEIGH:

PRINTED BY WESTON R. GALES, OFFICE OF THE REGISTER.

.....

1845.

JOURNALS

OF THE

SENATE AND HOUSE OF COMMONS

OF THE

CENTRAL ASSEMBLY

IN

THE STATE OF NORTH CAROLINA

AND THE STATE OF SOUTH CAROLINA

PRINTED

BY THE STATE OF NORTH CAROLINA, UNDER THE ACT OF THE LEGISLATURE

OF THE

STATE

SENATE JOURNAL

1844-'45.

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SENATE JOURNAL

1884-85

JOURNAL.

— 1844 —

At a General Assembly, begun and held in the City of Raleigh, on the 18th day of November, in the year of our Lord 1844, and in the 69th year of the Independence of the United States of America, being the day appointed by law, for the meeting of the General Assembly, the following Members of the Senate appeared, produced their credentials, were qualified agreeably to law, and took their seats, viz:

From the 1st District, Pasquotank and Perquimons—			<i>Wm. B. Shepard</i>
"	2d	do	Camden and Currituck—Caleb Etheridge.
"	3d	do	Gates and Chowan—Whitmel Stallings.
"	4th	do	Washington and Tyrrell—Joseph Halsey.
"	5th	do	Northampton—John M. Moody.
"	6th	do	Hertford—Richard G. Cowper.
"	7th	do	Bertie—Lewis Thompson.
"	8th	do	Martin—Asa Biggs.
"	9th	do	Halifax—Andrew Joyner.
"	10th	do	Edgecomb—Louis D. Wilson. <i>D</i>
"	11th	do	Pitt—John L. Foreman.
"	12th	do	Beaufort and Hyde—Joshua Taylor.
"	13th	do	Craven—Thos. J. Pasteur.
"	14th	do	Carteret and Jones—Isaac Hellen.
"	15th	do	Lenoir and Greene—E. G. Speight.
"	16th	do	New Hanover—Owen Holmes.
"	17th	do	Onslow—Wm. Ennett.
"	18th	do	Duplin—James K. Hill.
"	19th	do	Brunswick, Bladen and Columbus—Robt. Melvin.
"	20th	do	Cumberland—Thos. N. Cameron.
"	21st	do	Sampson—E. Gavin.

From	22d District,	Wayne—John Exum.
"	23d do	Johnston—James Tomlinson.
"	24th do	Wake—Geo. W. Thompson.
"	25th do	Nash—John H. Drake, Jr.
"	26th do	Franklin—Wm. A. Jeffreys.
"	27th do	Warren—Weldon N. Edwards.
"	28th do	Granville—Geo. C. Eaton.
"	29th do	Person—Robert Hester.
"	30th do	Orange—Hugh Waddell.
"	31st do	Chatham—Wm. Albright.
"	32d do	Moore and Montgomery—John M. Worth.
"	33d do	Robeson and Richmond—Alfred Dockery.
"	34th do	Anson—Philip G. Smith.
"	35th do	Randolph—Henry B. Elliott.
"	36th do	Guilford—Jesse H. Lindsay.
"	37th do	Caswell—L. A. Gwyn.
"	38th do	Rockingham—George D. Boyd.
"	39th do	Mecklenburg—John Walker.
"	40th do	Cabarrus and Stanly—Walter F. Pharr.
"	41st do	Rowan and Davie—Nathaniel Boyden.
"	42d do	Davidson—Alfred Hargrave.
"	43d do	Stokes—John Reich.
"	44th do	Surry and Ashe—A. B. McMillan.
"	45th do	Iredell—Joseph M. Bogle.
"	46th do	Lincoln and Catawba—Larkin Stowe.
"	47th do	Rutherford and Cleaveland—Thos. Jefferson.
"	48th do	Burke, Caldwell and Wilkes—Burgess S. Gaither.
"	49th do	Buncombe, Yancy and Henderson—N. W. Woodfin.
"	50th do	Haywood, Macon and Cherokee—Michael Francis.

A quorum consisting of a majority of the whole number of members being present, on motion of Mr. Edwards, Louis D. Wilson was nominated for Speaker; and on motion of Mr. Waddell, Andrew Joyner was added to the nomination.

The Senate then voted as follows:

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. JOYNER.

Messrs. L. Thompson,

Cowper,

Moody,

Halsey,

Tayloe,

Foreman,

Hellen,

Waddell,

Dockery,

Bogle,

Boyden,

Pharr,

Messrs. Worth,

Albright,

Hargrave,

Gaither,

McMillan,

Jefferson,

Woodfin,

Lindsay,

Elliott,

Smith,

Francis.—23.

Mr. Wilson for Mr. Edwards.

Mr. Joyner for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

Whereupon, on motion of Mr. Waddell, the Senate again proceeded to vote, which resulted as follows :

FOR MR. WILSON.

Messrs. Stallings,

Etheridge,

Speight,

Biggs,

Pasteur,

Hill,

Edwards,

Melvin,

Cameron,

Hester,

Gavin,

Holmes,

Messrs. Drake,

Exum,

Tomlinson,

Geo. W. Thompson,

Eaton,

Jeffreys,

Ennett,

Boyd,

Reich,

Walker,

Stowe,

Gwynn.—24.

FOR MR. JOYNER.

Messrs. Lewis Thompson,

Cowper,

Moody,

Halsey,

Tayloe,

Foreman,

Messrs. Worth,

Albright,

Hargrave,

Gaither,

McMillan,

Jefferson,

Hellen,
Waddell,
Dockery,
Bogle,
Boyden,
Pharr,

Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner voting for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

On motion of Mr. Dockery, the Senate adjourned until to-morrow morning eleven o'clock.

TUESDAY, NOVEMBER 19, 1844.

The Senate met according to adjournment, and proceeded to business.

On motion of Mr. Edwards, the Senate proceeded to vote for Speaker.

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,

Messrs. Worth,
Albright,

Moody,
Halsey,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyd,
Pharr,

Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Francis,
Smith.—23.

Mr. Joyner voting for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election. In which report the Senate concurred.

On motion of Mr. Francis, the Senate proceeded to vote again for Speaker.

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. JOYNER.

Messrs. I. Thompson,
Cowper,
Moody,
Halsey,
Tayloc,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,

Messrs. Worth,
Albright,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis,

Boyden,
Pharr,

Hargrave.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the candidates having received a majority of the votes given, there was no election.

Whereupon, on motion of Mr. Gaither, the Senate voted again as follows:

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the candidates having received a majority of the votes given, there was no election. On motion of Mr. Albright, the Senate adjourned until to-morrow morning twelve o'clock.

WEDNESDAY, Nov. 20, 1844.

The Senate met according to adjournment.

On motion of Mr. Cameron, the Senate proceeded to vote for Speaker.

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

Whereupon, on motion of Mr. Boyden, the Senate again voted as follows:

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,

Messrs. Drake,
Exum,

Biggs,
Speight,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Gaither, Mr. Joyner was withdrawn from the nomination.

Whereupon, on motion of Mr. Dockery, Mr. Waddell was added to the nomination.

The Senate then voted as follows:

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,

Cameron,
Hester,
Gavin,
Holmes,

Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. WADDELL.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Joyner,
Tayloe,
Foreman,
Hellen,
Dockery,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Waddell voted for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Elliott, the Senate again voted as follows :

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. WADDELL.

Messrs. Lewis Thompson,
Cowper,
Moody,

Messrs. Worth,
Albright,
Hargrave,

Halsey,
Joyner,
Tayloe,
Foreman,
Hellen,
Dockery,
Bogle,
Boyden,
Pharr,

Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Waddell voted for Mr. Dockery.

Neither of the Candidates having received a majority of votes given, there was no election.

On motion of Mr. Elliot, Mr. Waddell was withdrawn from the nomination, and the name of Mr. Dockery added thereto.

The Senate then voted as follows :

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. DOCKERY.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Joyner,
Tayloe,
Foreman,
Hellen,
Waddell,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Dockery voting for Mr. Joyner.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Boyden, the Senate again voted as follows :

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
Geo. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. DOCKERY.

Messrs. Lewis Thompson,
Cowper,
Moody,
Halsey,
Joyner,
Tayloe,
Foreman,
Hellen,
Waddell,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Dockery voting for Mr. Joyner.

Neither of the Candidates having received a majority of the votes given, there was no election.

Whereupon, Mr. Waddell presented the following Resolution, viz :

Resolved, That a Committee of six be appointed by this body, who shall confer together for the purpose of recommending Officers for the Senate.

Which was read and adopted.

The Senate then appointed the following Members to constitute said Committee: Messrs. Waddell, Halsey, Boyden, Cameron, Biggs and Jeffreys.

On motion of Mr. Joyner, the Senate adjourned until to-morrow eleven o'clock.

THURSDAY, Nov. 21, 1844.

The Senate met according to adjournment.

Mr. Cameron, on the part of the Committee appointed by a Resolution of the Senate, on yesterday, reported that said Committee had conferred together without effecting any step, which would accelerate the organization of this body, and asked the Senate to take a recess of one hour, in order that the Committee might sit again; which was unanimously agreed to.

Mr. Waddell on the part of the Committee appointed on yesterday by the Senate, reported that they were unable to effect any compromise, and asked to be discharged from the further consideration of the subject. They were discharged accordingly.

On motion of Mr. Elliott, Mr. Dockery was withdrawn from the nomination as Speaker.

On motion of Mr. Biggs, the Senate proceeded to vote for Speaker.

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pastour,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24

FOR MR. JOYNER.

Messrs. J. Thompson,

Cowper,
Moody,
Halsey,
Taylor,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyder,
Pharr,

Messrs. Worth,

Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner voting for Mr. Dockery.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Edwards, Mr. Wilson was withdrawn from the nomination and the name of Mr. Cameron added thereto.

On motion of Mr. Albright, the name of Mr. Gaither was added thereto.

The Senate then voted as follows :

FOR MR. CAMERON.

Messrs. Stallings,

Etheridge,
Speight,
Biggs,
Wilson,
Pasteur,
Hill,
Edwards,
Melvin,
Hester,
Gavin,
Holmes,

Messrs. Drake,

Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. GAITHER.

Messrs. L. Thompson,

Cowper,
Moody,

Messrs. Pharr,

Worth,
Albright,

Halsey,
 Joyner,
 Tayloe,
 Foreman,
 Hellen,
 Waddell,
 Dockery,
 Bogle,
 Boyden,

Hargrave,
 McMillan
 Jefferson,
 Woodfin,
 Lindsay,
 Elliott,
 Smith,
 Francis.—23.

Mr. Gaither voting for Mr. Boyden.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.
 On motion of Mr. Exum, the Senate again voted for Speaker.

FOR MR. CAMERON.

Messrs. Stallings,
 Etheridge,
 Speight,
 Biggs,
 Wilson,
 Pasteur,
 Hill,
 Edwards,
 Melvin,
 Hester,
 Gavin,
 Holmes,

Messrs. Drake,
 Exum,
 Tomlinson,
 G. W. Thompson,
 Eaton,
 Jeffreys,
 Ennett,
 Boyd,
 Reich,
 Walker,
 Stowe,
 Gwynn.—24.

FOR MR. GAITHER.

Messrs. L. Thompson,
 Cowper,
 Moody,
 Halsey,
 Joyner,
 Tayloe,
 Foreman,
 Hellen,
 Waddell,
 Dockery,
 Bogle,
 Boyden,

Messrs. Pharr,
 Worth,
 Albright,
 Hargrave,
 McMillan,
 Jefferson,
 Woodfin,
 Lindsay,
 Elliott,
 Smith,
 Francis.—23.

Mr. Gaither for Mr. Boyden.

Neither of the Candidates having received a majority of votes given, there was no election.

On motion of Mr. Edwards, the name of Mr. Cameron was withdrawn from the nomination.

And on motion of Mr. Biggs, the name of Mr. Edwards was added thereto.

The Senate then voted as follows :

FOR MR. EDWARDS.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Wilson,
Hill,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. GAITHER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Joyner,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,

Messrs. Pharr,
Worth,
Albright,
Hargrave,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Gaither voting for Mr. Boyden.

Neither of the Candidates in nomination having received a majority of the votes given, there was no election.

On motion of Mr. Albright, Mr. Gaither was withdrawn from the nomination.

On motion of Mr. Boyd, the Senate again proceeded to vote as follows:

FOR MR. EDWARDS.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Wilson,
Paateur,
Hill,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Walker,
Stowe,
Reich,
Gwynn.—24.

FOR MR. FRANCIS.

Messrs. Lewis Thompson,
Cowper,
Moody,
Halsey,
Joyner,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,

Messrs. Pharr,
Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith.—23.

Mr. Francis voting for Mr. Joyner.

Neither of the candidates having received a majority of the votes given, there was no election.

On motion of Mr. Waddell, the Senate again voted as follows:

FOR MR. EDWARDS.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Wilson,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,

Pasteur,
Hill,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

On motion of Mr. Biggs, Mr. Edwards was withdrawn from the nomination.

On motion of Mr. Halsey the Senate voted again.

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—21

FOR. MR. JOYNER.

Messrs. L. Thompson,
 Cowper,
 Moody,
 Halsey,
 Tayloe,
 Foreman,
 Hellen,
 Waddell,
 Dockery,
 Bogle,
 Boyden,
 Pharr,

Messrs. Worth,
 Albright,
 Hargrave,
 Gaither,
 McMillan,
 Jefferson,
 Woodfin,
 Lindsay,
 Elliott,
 Smith,
 Francis.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

Mr. Francis moved that the Senate adjourn until to-morrow morning ten o'clock; and upon this question, Mr. Boyd demanded the Yeas and Nays; which are as follows:

Those who voted in the affirmative, were

Messrs. L. Thompson,
 Cowper,
 Moody,
 Joyner,
 Tayloe,

Messrs. Hellen,
 Albright,
 Lindsay,
 Francis.—9.

Those who voted in the negative, were

Messrs. Stallings,
 Etheridge,
 Speight,
 Halsey,
 Biggs,
 Wilson,
 Pasteur,
 Foreman,
 Hill,
 Edwards,
 Melvin,
 Cameron,
 Hester,
 Gavin,

Messrs. Eaton,
 Jeffreys,
 Enneti,
 Dockery,
 Boyd,
 Bogle,
 Boyden,
 Reich,
 Walker,
 Pharr,
 Worth,
 Hargrave,
 Gaither,
 McMillan,

Holmes,
Drake,
Exum,
Waddell,
Tomlinson,
G. W. Thompson,

Jefferson,
Woodfin,
Elliott,
Stowe,
Smith,
Gwynn.—40.

The Senate refused to adjourn.

On motion of Mr. Exum, the Senate voted again for Speaker.

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24.

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the candidates having received a majority of the votes given, there was no election.

Mr. Dockery moved that the Senate adjourn until to-morrow morning eleven o'clock.

Which was decided in the negative—Yeas 22, Nays 27.

Mr. Stallings demanded the Yeas and Nays, which are as follows :

Those who voted in the affirmative, were

Messrs. Lewis Thompson,
Cowper,
Moody,
Halsey,
Joyner,
Tayloe,
Hellen,
Edwards,
Waddell,
Dockery,
Boyden,

Messrs. Pharr,
Worth,
Albright,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—22.

Those who voted in the negative, were

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Wilson,
Pasteur,
Foreman,
Hill,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,
Drake,

Messrs. Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Bogle,
Reich,
Walker,
Hargrave,
Stowe,
Gwynn.—27.

On motion of Mr. Waddell, the Senate proceeded to vote again for Speaker.

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,

Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—24

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Taylor,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boydén,
Pharr,

Messrs. Worth,
Albright,
Hargrave,
Galtner,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Joyner voted for Mr. Dockery.

Neither of the Candidates having received a majority of the votes given, there was no election.

Mr. Moody moved that the Senate adjourn until to-morrow morning ten o'clock.

Which was decided in the negative—Yeas 22, Nays 27.

Mr. Walker demanded the Yeas and Nays, which are as follows :

Those who voted in the affirmative, were

Messrs. Lewis Thompson,
Moody,
Halsey,
Joyner,
Taylor,
Hellen,
Hill,
Edwards,
Waddell,
Dockery,
Bogle,

Messrs. Boydén,
Pharr,
Worth,
Albright,
Galtner,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Smith,
Francis.—22,

Those who voted in the negative, were

Messrs. Stallings,
Etheridge,
Speight,
Cowper,
Biggs,
Wilson,
Pasteur,
Foreman,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,
Drake,

Messrs. Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Hargrave,
Elliott,
Stowe,
Gwynn.—27.

On motion of Mr. Boyden, the Senate proceeded to vote again for Speaker.

FOR MR. WILSON.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Messrs. Drake,
Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—21.

FOR MR. JOYNER.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Hellen,
Waddell,

Messrs. Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,

Dockery,
Bogle,
Boyden,
Pharr,

Elliott,
Smith,
Francis.—23.

Mr. Joyner voted for Mr. Waddell

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

FRIDAY, NOV. 22, 1844.

The Senate met according to adjournment.

Whereupon, Mr. Tomlinson nominated Burges S. Gaither for Speaker.

The Senate then voted as follows :

FOR MR. GAITHER.

Messrs. Stallings,
Etheridge,
L. Thompson,
Cowper,
Moody,
Speight,
Halsey,
Biggs,
Wilson,
Pasteur,
Joyner,
Tayloe,
Foreman,
Hellen,
Exum,
Waddell,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,

Messrs. Ennett,
Dockery,
Boyd,
Boyden,
Bogle,
Reich,
Walker,
Pharr,
Worth,
Albright,
Hargrave,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Stowe,
Smith,
Francis,
Gwynn.—40.

FOR MR. WILSON.

Messrs. Gavin, Holmes, Drake.—3.

Mr. Gaither having received a majority of the whole number of votes given, was declared duly elected. Whereupon, he was conducted to the Chair by Messrs. Edwards and Joyner; and he made his acknowledgements to the Senate in a neat and appropriate address.

On motion of Mr. Elliott, Thos. G. Stone, of Franklin, was nominated for Principal Clerk.

The Senate then voted as follows :

FOR MR. STONE.

Messrs. Stallings,
Etheridge,
Speight,
Halsey,
Biggs,
Wilson,
Pasteur,
Joyner,
Foreman,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,
Drake,
Exum,
Waddell,
Tomlinson,
G. W. Thompson,
Eaton,

Messrs. Jeffreys,
Ennet,
Dockery,
Boyd,
Bogle,
Boyden,
Reich,
Walker,
Pharr,
Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Stowe,
Smith,
Francis,
Gwynn.—44.

FOR MR. MILLER.

Messrs. L. Thompson,
Cowper,
Moody,

Messrs. Tayloe,
Hellen.—5.

Thos. G. Stone having received a majority of the whole number of votes, was duly elected.

On motion of Mr. Biggs, Mr. Perrin Busbee was nominated as Clerk Assistant.

FOR MR. BUSBEE.

Messrs. Stallings,
Etheridge,
Cowper,
Speight,
Biggs,
Wilson,
Pasteur,
Foreman,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,
Drake,

Messrs. Exum,
Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Bogle,
Reich,
Walker,
Pharr,
Gaither,
Jefferson,
Stowe,
Francis,
Gwynn.—32.

FOR MR. MILLER.

Messrs. L. Thompson,
Moody,
Halsey,
Joyner,
Tayloe,
Hellen,
Waddell,
Dockery,
Boyden,

Messrs. Worth,
Albright,
Hargrave,
McMillan,
Woodfin,
Lindsay,
Elliott,
Smith.—17.

Mr. Busbee having received a majority of the whole number of votes given, was declared duly elected.

Whereupon, Mr. Cameron nominated James Page, of Randolph, as Principal Door-keeper; and on motion of Mr. Dockery, Green Hill was added to the nomination.

The Senate then voted as follows:

FOR MR. PAGE.

Messrs. Stallings,
Etheridge,

Messrs. Exum,
Tomlinson,

Speight,
Biggs,
Wilson,
Pasteur,
Hill,
Edwards
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn,
Drake.—25.

FOR MR. HILL.

Messrs. L. Thompson,
Cowper,
Moody,
Halsey,
Joyner,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boyden,

Messrs. Pharr,
Worth,
Albright,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—24.

Mr. Page having received a majority of the whole number of votes given, was declared duly elected.

On motion of Mr. Jeffreys, Mr. Patrick H. McGowan was nominated as Door-keeper Assistant; and on motion of Mr. Boyden, Jehu Crews; on motion of Mr. Waddell, Mr. Tinny, of Orange; on motion of Mr. Dockery, Mr. King, of Wake; on motion of Mr. Albright, Mr. Drake, of Chatham, were added to the nomination.

The Senate then voted as follows:

FOR MR. MCGOWAN.

Messrs. Stallings,
Etheridge,
Speight,
Biggs,
Wilson,

Messrs. Holmes,
Drake,
Exum,
Tomlinson,
Eaton,

Hill,
Pasteur,
Edwards,
Melvin
Cameron,
Hester,
Gavin,

Jeffreys,
Ennett,
Boyd,
Walker,
Stowe,
Gwynn.—23.

FOR MR. CREWS.

Messrs. Lewis Thompson,
Cowper,
Moody,
Halsey,
Tayloe,
Foreman,
Dockery,
Bogle,
Boyden,

Messrs. Reich,
Worth,
Gaither,
McMillan,
Jefferson,
Elliott,
Smith,
Francis.—17.

FOR MR. DRAKE.

Messrs. Hellen,
Albright,

Messrs. Woodfin,
Lindsay.—4.

FOR MR. TINNY.

Messrs. Joyner and Waddell.—2.

FOR MR. KING.

Messrs. G. W. Thompson and Pharr.—2.

Mr. Hargrave voting for Mr. Hill.

Neither of the Candidates having received a majority of the votes given, there was no election.

On motion of Mr. Dockery, the name of Mr. King was withdrawn from the nomination.

The Senate then voted again as follows :

FOR MR. MCGOWAN.

Messrs. Stallings,
Etheridge,

Messrs. Drake,
Exum,

Speight,
Biggs,
Wilson,
Pasteur,
Hill,
Edwards,
Melvin,
Cameron,
Hester,
Gavin,
Holmes,

Tomlinson,
G. W. Thompson,
Eaton,
Jeffreys,
Ennett,
Boyd,
Reich,
Walker,
Stowe,
Gwynn.—25.

FOR MR. CREWS.

Messrs. I. Thompson,
Cowper,
Moody,
Halsey,
Joyner,
Tayloe,
Foreman,
Hellen,
Waddell,
Dockery,
Bogle,
Boydén,

Messrs. Pharr,
Worth,
Hargrave,
Gaither,
McMillan,
Jefferson,
Woodfin,
Lindsay,
Elliott,
Smith,
Francis.—23.

Mr. Albright voting for Mr. Drake.

Mr. McGowan having received a majority of the whole number of votes given, was declared duly elected.

On motion of Mr. Edwards,

Ordered, That the Rules of the last session be adopted for the government of the Senate, until otherwise ordered.

On motion of Mr. Joyner,

Ordered, That a Message be sent to the House of Commons, informing that House of the due organization of the Senate, by the appointment of Burgess S. Gaither, as Speaker; Thos. G. Stone, as Principal Clerk; Perrin Busbee, as Clerk Assistant; James Page and Patrick McGowan, Door-keepers.

On motion of Mr. Dockery, the Senate adjourned until to-morrow morning, eleven o'clock.

SATURDAY, NOV. 23, 1844.

Received from the House of Commons a Message, informing the Senate, that they are duly organized by the appointment of Edward Stanly, Speaker ; Charles Manly, Chief Clerk ; James R. Dodge, Clerk Assistant ; Samuel J. Finch, Doorkeeper ; and William Lovell, Assistant Doorkeeper, and are ready to proceed to the despatch of public business.

Mr. Halsey presented the following Resolution :

Resolved, That the Speaker assign seats for the use of Stenographers to note the proceedings of the Senate.

Which was read and adopted.

Received from the House of Commons a Message, proposing to raise a Joint Select Committee, to consist of two members on the part of each House, to wait upon his Excellency the Governor, and inform him of the organization of the Legislature, and their readiness to receive from him any communication he might make ; and stating that Messrs T. Wilson and J. Lea compose the Committee on their part ; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Elliott and Cameron compose the Committee on the part of the Senate, to wait upon his Excellency the Governor : and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to go into an election, immediately, for three Engrossing Clerks, and stating that the names of William J. Lewis, James F. Simmons, John D. Cameron, Wm. P. Forest, Joseph Holderby, Henry H. Potter, J. M. A. Drake, Maurice Q. Waddell, Chas. C. Nelson, Chas. C. McCrummen, Joshua Lumsden, Jeremiah Clark, Asa B. Gunter, W. A. Walker, John P. H. Russ, Jas. J. Thomas, and Thos. S. Clark, are in nomination for the appointment, and that Messrs. Caldwell and Scales form their Committee ; which was read and agreed to.

The Speaker announced to the Senate that Messrs. Albright and Drake form the Committee on the part of the Senate, to superintend the election ; and the House of Commons was informed thereof by message.

The Senate then voted as follows :

FOR MR. WADDELL.

Messrs. Speaker,

Messrs. Holmes,

Albright,
Bogle,
Boyden,
Cowper,
Elliott,
Francis,
Halsey,
Hargrave,
Hill,

Joyner,
Lindsay,
Moody,
Smith,
L. Thompson,
Waddell,
Woodfin,
Worth.—19.

FOR MR. THOMAS.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
G. W. Thompson,
Tomlinson,
Walker,
Wilson.—25.

Mr. Albright voting for Mr. Gunter.—1.

FOR MR. SIMMONS.

Messrs. Biggs,
Cowper,
Drake,
Edwards,
Gavin,
Halsey,

Messrs. Joyner,
Melvin,
Moody,
Tayloe,
L. Thompson,
Waddell.—12.

FOR MR. LEWIS.

Messrs. Speaker,
Bogle,
Francis,
Jefferson,

Messrs. McMillan,
Pharr,
Woodfin.—7.

FOR MR. NELSON.

Messrs. Hellen and Pasteur.—2.

Mr. Hellen voting for Mr. Lumsden.—1.

FOR MR. CLARK.

Messrs. Speaker,
Bogle,
Boyden,

Messrs. Hargrave,
Pharr.—5.

FOR MR. CAMERON.

Messrs. Biggs,
Boyd,
Cameron,
Dockery,
Edwards,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,

Messrs. Hargrave,
Hester,
Hill,
Holmes,
Jeffreys,
Melvin,
McMillan,
Reich,
Smith,
Wilson.—20.

FOR MR. HOLDERBY.

Messrs. Albright,
Boyd,
Boyden,
Elliott,
Gwynn,
Hester,
Lindsay,

Messrs. McMillan,
Reich,
Stallings,
Stowe,
Waddell,
Walker.—13.

Mr. Jefferson voting for Mr. Potter.—1.

Mr. Eaton voting for Mr. Forest.—1.

FOR MR. WALKER.

Messrs. Halsey, Speight, and Tayloe.—3.

FOR MR. DRAKE.

Messrs. Dockery,
Drake,
Elliott,
Jefferson,

Messrs. Pharr,
G. W. Thompson,
Tomlinson,
Worth.—8.

FOR MR. McCRUMMEN.

Messrs. Cameron,
Dockery,
Exum,
Smith,

Messrs. Stowe,
Wilson,
Worth.—7.

FOR T. S. CLARK.

Messrs. Cowper,
Ennett,
Hellen,
Moody,

Messrs. Pasteur,
Speight,
Tayloe,
Lewis Thompson.—8.

FOR MR. RUSS.

Messrs. Eaton,
Etheridge,
Gwynn,
Jeffreys,
Joyner,

Messrs. Lindsay,
Stallings,
G. W. Thompson,
Walker,
Woodfin.—10.

Mr. Albright from the Joint Select Committee to superintend the election of three Engrossing Clerks, reported that neither of the candidates in nomination having received a majority of the whole number of votes given, there is no election. In which report the Senate concurred.

Mr. Cameron, from the Joint Select Committee on the part of the Senate to wait upon His Excellency, the Governor, reported, they received for answer, that he would make a communication to the Legislature on Monday next at 12 o'clock.

Received from the House of Commons a Message, proposing to proceed immediately to vote again for three Engrossing Clerks, and that the name of Mr. Potter is withdrawn from the nomination; and that Messrs. R. T. Paine and Brogden compose their Committee. Which was read and agreed to.

The Speaker then announced to the Senate, that Messrs. L. Thompson and Walker form our Committee; and the House of Commons was informed thereof by Message.

The Senate then voted as follows:

FOR MR. RUSS.

Messrs. Cameron,
Eaton,

Messrs. Lindsay,
Melvin,

Etheridge,
Exum,
Jefferson,

G. W. Thompson,
Walker,
Woodfin,—10.

FOR MR. SIMMONS.

Messrs. Biggs,
Cowper,
Drake,
Edwards,
Francis,
Gavin,

Messrs. Halsey,
Joyner,
Moody,
Tayloe,
L. Thompson.—11.

FOR MR. T. S. CLARK.

Messrs. Ennett,
Hellen,
Pasteur,
Pharr,

Messrs. Speight,
Tayloe,
L. Thompson.—7.

Mr. Albright for Mr. Gunter.—1.

FOR MR. DRAKE.

Messrs. Dockery,
Drake,
Elliott,

Messrs. Jefferson,
Tomlinson,
Worth.—6.

FOR MR. LEWIS.

Messrs. Speaker,
Bogle,
Francis
Hellen,

Messrs. Jefferson,
McMillan,
Stowe,
Woodfin.—8.

FOR MR. CAMERON.

Messrs. Biggs,
Boyd,
Cameron,
Cowper,
Dockery,
Edwards,
Ennett,
Etheridge,
Exum,

Messrs. Holmes,
Jeffreys,
Joyner,
Melvin,
McMillan,
Moody,
Reich,
Smith,
Stallings,

Gavin,
Halsey,
Hargrave,
Hester,
Hill,

G. W. Thompson,
Walker,
Waddell,
Wilson.—27.

FOR MR. THOMAS.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Tomlinson,
G. W. Thompson,
Walker,
Wilson.—25.

FOR MR. HOLDERBY.

Messrs. Albright,
Boyd,
Boyden,
Elliott,
Gwynn,
Hester,

Messrs. Lindsay,
McMillan,
Reich,
Stallings,
Tayloe,
Waddell.—12.

FOR MR. WADDELL.

Messrs. Speaker,
Albright,
Bogle,
Boyden,
Cowper,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Hill

Messrs. Holmes,
Joyner,
Lindsay,
Moody,
Pharr,
Smith,
L. Thompson,
Waddell,
Woodfin,
Worth.—21.

FOR MR. J. CLARK.

Messrs. Speaker,
Bogle,
Boyden,

Messrs. Hargrave,
Pharr.—5.

Mr. Pasteur voting for Mr. Nelson.—1.

Mr. Speight for Mr. Walker.—1.

Mr. Eaton for Mr. Forest.—1.

FOR MR. McCRUMMEN.

Messrs. Dockery,
Gwynn,
Smith,
Stowe,

Messrs. Tomlinson,
Wilson,
Worth.—7.

Mr. L. Thompson from the Joint Select Committee appointed on the part of the Senate to superintend the election of three Engrossing Clerks, reported that neither of the candidates in nomination having received a majority of the votes given, there is no election. In which report the Senate concurred.

On motion of Mr. Halsey,

Ordered, That a Message be sent to the House of Commons, proposing to go into an election again for three Engrossing Clerks.

Received from the House of Commons a Message agreeing to the proposition of the Senate, to go immediately into an election for three Engrossing Clerks, and that Messrs. Shepard and Guyther form their branch of the Committee; and further stating, that the names of Messrs. Lumsden, Gunter, Walker, and McCrummen, are withdrawn from the nomination.

The Speaker announced to the Senate, that Messrs. Lindsay and Holmes form our branch of the Committee to superintend the election for three Engrossing Clerks, and the House of Commons was informed thereof by Message.

The Senate then voted as follows :

FOR MR. WADDELL.

Messrs. Speaker,
Albright,
Bogle,
Boyden,

Messrs. Hester,
Hill,
Holmes,
Jefferson,

Cowper,
Dockery,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,

Jeffreys,
Joyner,
Lindsay,
McMillan,
Moody,
Pharr,
Smith,
Tayloe,
L. Thompson,
Waddell,
Wilson,
Woodfin,
Worth—34.

FOR MR. THOMAS.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jefferson,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Tomlinson,
Walker,
Wilson.—25.

FOR MR. HOLDERBY.

Messrs. Boyd,
Elliott,
Gwynn,
Hester,
Lindsay,

Messrs. McMillan,
Reich,
Worth,
Waddell.—9.

FOR MR. CAMERON.

Messrs. Speaker.
Albright,

Messrs. Hargrave,
Holmes,

Biggs,
Boyd,
Bogle,
Boyden,
Cameron,
Dockery,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,

Jeffreys,
Joyner,
Melvin,
Reich,
Smith,
Speight,
Stallings,
G. W. Thompson,
Tomlinson,
Waddell,
Walker,
Wilson,
Worth.—30.

FOR MR. RUSS.

Messrs. Albright,
Exum,
Lindsay,
Melvin,
Stallings,
Stowe,

Messrs. G. W. Thompson,
Tomlinson,
Walker,
Woodin,
Worth.—11.

FOR MR. LEWIS.

Messrs. Speaker,
Biggs,
Bogle,
Cameron,
Cowper,
Dockery,
Francis,
Halsey,

Messrs. Hill,
Jefferson,
McMillan,
Moody,
Pasteur,
Stowe,
Woodfin.—15.

FOR MR. SIMMONS.

Messrs. Cowper,
Drake,
Halsey,
Hellen,

Messrs. Joyner,
Moody,
Taylor,
L. Thompson.—8.

FOR MR. T. S. CLARK.

Messrs. Hellen,
Pasteur,
Speight,

Messrs. Taylor,
L. Thompson.—5.

FOR MR. J. CLARK.

Messrs. Boyden, Hargrave, and Pharr.—3.

FOR MR. DRAKE.

Messrs. Elliott,
Drake,Messrs. Pharr,
G. W. Thompson.—4.

On motion of Mr. Waddell, the Senate adjourned until Monday morning eleven o'clock.

MONDAY, NOVEMBER 25, 1844.

The Senate met according to adjournment.

Mr. Lindsay, from the Joint Select Committee on the part of the Senate, to superintend the election of three Engrossing Clerks, reported that Mr. Waddell, having received a majority of the whole number of votes given, was duly elected.

In which report the Senate concurred.

Received from the House of Commons a message, proposing that the Comptroller's Report for the fiscal year ending Nov. 1st, 1843, be printed in pamphlet form, one copy for each member.—Which was read and agreed to.

Whereupon, Mr. Boyden moved that the message relative to printing the Comptroller's Report, be reconsidered. Which was agreed to.

Mr. Boyden then moved that the Resolution be laid on the table; which was also agreed to.

On motion of Mr. Boyden,

Ordered, That a message be sent to the House of Commons, proposing that the Comptroller's Report for the fiscal year ending Nov. 1st, 1843, be printed.

Received from the House of Commons a message, proposing to go into an election for two Engrossing Clerks, and stating that Messrs. Guthrie and Nixon form the Committee on their part; that the name of Jeremiah Clark is withdrawn from the nomination. Which was read and agreed to.

On motion of Mr. Elliott, Mr. Drake, and on motion of Mr. Eaton, Mr. Forest was withdrawn from the nomination; and the House of Commons was informed thereof by message.

The Speaker announced to the Senate that Messrs. Smith and Exum form our Committee to superintend the election for two Engrossing Clerks; and the House of Commons was informed thereof by message.

The Senate then voted as follows:

FOR MR. THOMAS.

Messrs. Biggs,
Boyd,
Bogle,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,

Messrs. Hill,
Holmes,
Jefferson,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Tomlinson,
Walker,
Wilson.—26.

FOR MR. HOLDERBY.

Messrs. Albright,
Boyd,
Boyden,
Dockery,
Elliott,
Gwynn,
Hargrave,

Messrs. Hester,
Lindsay,
McMillan,
Reich,
Smith,
Worth.—13.

FOR MR. CAMERON.

Messrs. Speaker,
Albright,
Boyden,
Cameron,
Dockery,
Edwards,
Elliott,
Ennett,
Hargrave,

Messrs. Holmes,
Jeffreys,
Melvin,
Moody,
Smith,
G. W. Thompson,
Tomlinson,
Wilson.—17.

FOR MR. RUSS.

Messrs. Eaton,
Exum,
Joyner,

Messrs. G. W. Thompson,
Woodfin,
Worth.—6.

FOR MR. LEWIS.

Messrs. Speaker,
Bogle,
Cowper,
Francis,
Gavin,
Hellen,
Hill,

Messrs. Jefferson,
McMillan,
Pharr,
Stallings,
Stowe,
Walker,
Woodfin.—11.

FOR MR. SIMMONS.

Messrs. Biggs,
Cowper,
Drake,
Etheridge,
Halsey,

Messrs. Joyner,
Moody,
Tayloe,
L. Thompson.—9.

FOR MR. T. S. CLARK.

Messrs. Francis,
Halsey,
Hellen,
Lindsay,
Pasteur,

Messrs. Pharr,
Speight,
Tayloe,
Lewis Thompson.—9.

Mr. Halsey presented the following Resolution :

Resolved, That a Committee of five members be appointed to prepare and report permanent Rules of Order for the government of the Senate, during the present Session; which was read and adopted.

The Speaker announced to the Senate that Messrs. Halsey, Joyner, Boyden, Edwards and Wilson, compose the Committee to prepare and report permanent Rules of Order for the government of the Senate, at its present session.

Received from the House of Commons a message, proposing to print in pamphlet form, the Constitution of the United States, the Constitution of the State, the Rules of Order of the Senate and

House of Commons, and the joint Rules of both Houses; a copy for each member of the two Houses; ten copies for the State Library, and one for each of the Clerks of the two Houses; which was read, and on motion of Mr. Joyner ordered to lie on the table.

Mr. Albright presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee, consisting of two members on the part of each House, to prepare joint Rules of Order for the government of the intercourse between the two Houses during the present Session.

Which was read and adopted.

Received from the House of Commons a message, therein transmitting a communication from the Secretary of State, on the public printing; which was read.

Mr. Exum from the Joint Select Committee on the part of the Senate, to superintend the election of two Engrossing Clerks, reported that neither of the candidates in nomination having received a majority of the votes given, there is no election.

In which report the Senate concurred.

On motion of Mr. Jefferson,

Ordered, That a message be sent to the House of Commons, proposing to go into an election for two Engrossing Clerks.

The Speaker announced to the Senate that Messrs. Stallings and McMillan form our Committee to superintend the election for two Engrossing Clerks; and the House of Commons were informed thereof by message.

The Speaker announced to the Senate the following Standing Committees, viz:

ON PROPOSITIONS AND GRIEVANCES.

Messrs. Pasteur,
Stallings,
Bogle,
McMillan,

Messrs. Eaton,
Cowper,
Gwynn.

ON PRIVILEGES AND ELECTIONS.

Messrs. Francis,
Hellen,
Holmes,
Hill,

Messrs. Pharr,
Moody,
Hester.

ON CLAIMS.

Messrs. Drake,
Tomlinson,
Worth,
Hargrave,

Messrs. Melvin,
Etheridge,
Jefferson.

ON THE JUDICIARY.

Messrs. Waddell,
Boyden,
Edwards,
Biggs,

Messrs. Woodfin,
Shepard,
Jeffreys.

ON INTERNAL IMPROVEMENT.

Messrs. Joyner,
Dockery,
Thompson, (of W.)
Stowe,

Messrs. Tayloe,
Boyden,
Cameron.

ON EDUCATION AND THE LITERARY FUND.

Messrs. Wilson,
Speight,
Elliott,
Halsey,

Messrs. Boyd,
Exum,
Lindsay.

Received from the House of Commons, a communication from His Excellency, the Governor of this State, to the Legislature of North Carolina; which was read, and on motion of Mr. Dockery, was laid on the table.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to go immediately into the election of two Engrossing Clerks; and that Messrs. Graves and Davenport form their Committee to superintend the election for two Engrossing Clerks.

The Senate then voted as follows:

FOR MR. LEWIS.

Messrs. Speaker,
Bogle,
Boyden,

Messrs. Joyner,
McMillan,
Pharr,

Cowper,
Etheridge,
Francis,
Gavin,
Halsey,
Hester,
Hill,
Jefferson,

Stallings,
Stowe,
Tayloe,
L. Thompson,
Walker,
Woodfin,
Hellen.—21.

FOR MR. THOMAS.

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Emmett,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Hester,

Messrs. Hill,
Holmes,
Jefferson,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Temlinson,
Walker,
Wilson,
Woodfin.—28.

FOR MR. HOLDERBY.

Messrs. Albright,
Boyd,
Boyden,
Dockery,
Elliott,
Gwynn,

Messrs. Hargrave,
Lindsay,
McMillan,
Reich,
Smith,
Worth.—12.

FOR MR. RUSS.

Messrs. Albright,
Exum,

Messrs. G. W. Thompson,
Worth.—4.

FOR MR. CAMERON.

Messrs. Speaker,
Cameron,
Dockery,
Eaton,

Messrs. Jeffreys,
Joyner,
Melvin,
Moody,

Edwards,
Elliott,
Ennett,
Hargrave,
Holmes,

Smith,
G. W. Thompson,
Tomlinson,
Wilson,
Biggs.—18.

FOR MR. SIMMONS.

Messrs. Cowper and Drake.—2.

FOR MR. CLARK.

Messrs. Halsey,
Lindsay,
Moody,
Pasteur,
Pharr,

Messrs. Speight,
Tayloe,
L. Thompson,
Hellen.—9.

Mr. Stallings from the Joint Select Committee on the part of the Senate to superintend the election of two Engrossing Clerks, reported that neither of the Candidates having received a majority of the votes given, there is no election.

In which report the Senate concurred.

Received from the House of Commons a Message proposing to print the Message of His Excellency, the Governor, to the General Assembly, ten copies for each Member of the Legislature.

Which was read.

Whereupon, Mr. Biggs moved that we disagree to the proposition of the House of Commons to print ten copies of the Message of His Excellency, the Governor.

Upon which question, Mr. Tomlinson demanded the Yeas and Nays.

Those who voted in the affirmative, were!

Messrs. Biggs,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,

Messrs. Hester,
Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—26.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Dockery,
Elliott,
Francis,
Halsey,
Hellen,
Hill,
Jefferson,

Messrs. Joyner,
Lindsay,
McMillan,
Moody,
Pharr,
Smith,
Tayloe,
Thompson (of B.)
Woodfin,
Worth.—20.

Mr. Biggs moved a Message be sent to the House of Commons, proposing to print the Message of His Excellency, the Governor.

Mr. Halsey moved the following amendment thereto :

That five copies be printed for each Member of the Legislature.

Which proposition was agreed to.

Received from the House of Commons a Message proposing to go into an election for a Solicitor for the First Judicial Circuit, to-morrow at 11 o'clock, A. M. and that David Outlaw is in nomination for that office.

Which was read and agreed to.

The Speaker announced to the Senate, that Messrs. Woodfin and Biggs form our Committee to superintend the election of Solicitor for the First Judicial Circuit; and the House of Commons was informed thereof by Message.

On motion of Mr. Boyden,

Ordered, That a Message be sent to the House of Commons, proposing to go into an election of Solicitor for the Sixth Judicial Circuit to-morrow at 12 o'clock.

The Speaker announced to the Senate, that Messrs. Moody and Speight form our branch of the Committee to superintend the election of Solicitor for the Sixth Judicial Circuit; and the House of Commons was informed thereof by Message.

On motion of Mr. Dockery,

Ordered, That a Message be sent to the House of Commons proposing to go into an election for two Engrossing Clerks.

The Speaker announced to the Senate, that Messrs. Bogle and Eaton form our branch of the Committee to superintend the elec-

tion for two Engrossing Clerks and the House of Commons was informed thereof by Message.

Received from the House of Commons a Message agreeing to the proposition of the Senate to vote, for two Engrossing Clerks, and stating that the name of Mr. Simmons is withdrawn from the nomination; and that Messrs. J. F. Poindexter and Saunders form their branch of the Committee to superintend said election.

The Senate then voted as follows:

FOR MR. CAMERON.

Messrs. Speaker,
Albright,
Biggs,
Boyden,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Halsey,
Hargrave,

Messrs. Holmes,
Jeffreys,
Joyner,
Lindsay,
Melvin,
Moody,
Smith,
Stallings,
Tayloe,
Thompson, (of B.)
Tomlinson,
Wilson,
Worth.—27.

FOR MR. RUSS.

Messrs. Exum and G. W. Thompson.—2.

FOR MR. THOMAS.

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
G. W. Thompson,
Tomlinson,
Walker,
Wilson,
Woodfin.—27.

FOR MR. LEWIS.

Messrs. Speaker,
Bogle,
Cowper,
Etheridge,
Francis,
Gavin,
Hargrave,
Hellen,

Messrs. Hill,
Jefferson,
Joyner,
McMillan,
Pharr,
Walker,
Woodfin.—15.

FOR MR. HOLDERBY.

Messrs. Albright,
Boyd,
Elliott,
Gwynn,
Hester,
Jefferson,

Messrs. Lindsay,
McMillan,
Reich,
Smith,
Stowe,
Worth.—12.

FOR MR. CLARK.

Messrs. Boyden,
Dockery,
Francis,
Halsey,
Hellen,
Moody,

Messrs. Pasteur,
Pharr,
Speight,
Tayloe,
Thompson, (of B.)—11.

On motion of Mr. Pasteur, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, Nov. 26, 1844.

The Senate met according to adjournment.

Mr. Joyner presented the following Resolutions :

Resolved, That the Senate have heard with deep regret of the death of John L. Foreman, one of the members from the County of Pitt, that

they sincerely sympathize with his bereaved family and their friends in the heavy affliction, which has been brought upon them by this dispensation of Divine Providence; and as a tribute of respect to his memory, the members of this body will wear crape on the left arm during the remainder of the session.

Resolved, That a message be sent to the House of Commons, informing that body of the melancholy event, asking them to unite with the Senate in paying the last honors to the deceased, and in raising a joint select Committee of four from each House, whose duty it shall be to superintend the funeral ceremonies.

Which were read and adopted.

The Speaker announced to the Senate, that Messrs Joyner, Boyden, Wilson, and Cameron constitute our branch of the Committee to superintend the funeral ceremonies of the late John L. Foreman; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they unanimously concur with the Senate, in the adoption of the Resolutions relating to the lamented death of the late John L. Foreman, and have appointed the following Committee, (to-wit :) Messrs. Perkins, Bridgers, Washington and Shepard, on their part, to unite with the Committee on the part of the Senate, in the manner proposed.

Mr. Boyden, from the Committee on the part of the Senate, to superintend the ceremonies of the late John L. Foreman, reported that they had had the subject under consideration, and that the members would meet at the Capitol to-morrow morning at nine o'clock.

In which report the Senate concurred.

On motion of Mr. Wilson, the Senate adjourned until Thursday morning 10 o'clock.

THURSDAY, Nov. 28, 1844.

The Senate met pursuant to adjournment.

Mr. Bogle, from the Joint Select Committee on the part of the Senate, to superintend the election of two Engrossing Clerks, re-

ported that Mr. Cameron, having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

Received from the House of Commons a message, stating that they recede from their proposition to print ten copies for each member of the Legislature, of the Message of His Excellency the Governor, and agree to the proposition to print five copies for each member of the Legislature. Which was read.

Mr. Worth presented the petition of Francis J. Kron, praying the Legislature to direct how to ascertain the boundaries of the land and title thereto, in the Counties of Montgomery and Stanly, the deeds of which were destroyed by the burning of the Court House; which was read, and on motion of Mr. Worth, was referred to the Committee on Propositions and Grievances.

Mr. Halsey presented the following Resolution :

Resolved, That a writ of election issue to the Sheriff of Pitt County, commanding him to hold an election at the various election precincts in said County, on the 11th of December next, to elect a Senator to represent the 11th Senatorial District in the present Legislature, to fill the vacancy occasioned by the death of John L. Foreman.

Which was read and adopted.

Mr. Boyd presented the resignation of Josiah Settle, a Justice of the Peace for the County of Rockingham, which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, proposing to go into an election immediately for one Engrossing Clerk; the name of Jno. P. H. Russ is withdrawn from the nomination, and that Messrs. Jno. B. Jones and Keener compose their Committee.

Which was read and agreed to.

The Speaker announced to the Senate that Messrs. Worth and Stowe form our branch of the Committee to superintend the election for one Engrossing Clerk; and the House of Commons was informed thereof by message.

The Senate then voted as follows :

FOR MR. HOLDERBY.

Messrs. Albright,
Biggs,
Boyd,
Boyden,
Dockery,

Messrs. Hill,
Holmes,
Lindsay,
Melvin,
Reich,

Eaton,
Elliott,
Etheridge,
Gavin,
Gwynn,
Hargrave,
Hester,

Smith,
Stallings,
Stowe,
Thompson, (of W.)
Walker,
Worth.—23.

FOR MR. CLARK.

Messrs. Cameron,
Ennett,
Exum,
Halsey,
Hellen,
Jeffreys,

Messrs. Pasteur,
Speight,
Tayloe,
Thompson, (of B.)
Wilson.—11.

FOR MR. THOMAS.

Messrs. Drake and Tomlinson.—2.

FOR MR. LEWIS.

Messrs. Speaker,
Bogle,
Cowper,
Francis,

Messrs. Jefferson,
Joyner,
McMillan,
Pharr.—8.

Mr. Worth, from the Committee on the part of the Senate, to superintend the election of one Engrossing Clerk, reported that Mr. Holderby having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

Mr. Joyner presented the following Resolution:

Resolved, That so much of the Governor's Message as relates to Rail Roads and Internal Improvement, be referred to the Committee on Internal Improvement; so much as relates to Common Schools, be referred to the Committee on Education and the Literary Fund; so much as relates to agriculture, and the geological, mineralogical and agricultural resources of the State, be referred to a Select Committee; so much as relates to Asylums, be referred to a Select Committee; and

that so much as relates to a Penitentiary, be referred to a Select Committee.

Mr. Drake presented a Bill, entitled a Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes; which was read the first time and passed, and on his motion was referred to the Judiciary Committee.

Mr. Bogle presented a Bill, entitled a Bill to lay off and establish a County by the name of Gaston; which was read the first time and passed.

Mr. Jefferson presented a Bill, entitled a Bill to lay off and establish a County to be called Morehead; which was read the first time and passed, and on his motion, was referred to the Committee on Propositions and Grievances.

Received from the House of Commons a message, proposing to go forthwith into an election for Solicitor of the 1st Judicial Circuit, and stating that David Outlaw is in nomination for the office. Which was read and concurred in.

The Speaker announced to the Senate, that Messrs. Cowper and Pasteur form our branch of the Committee to superintend said election, and the House of Commons was informed thereof by Message.

Received from the House of Commons, a Message, stating that Messrs. Cherry and Jones form their branch of the Committee to superintend the election of Solicitor for the first Judicial Circuit, and that they will commence voting on return of the Messenger.

The Senate then voted as follows:

FOR MR. OUTLAW.

Messrs. Speaker,

Albright,

Biggs,

Bogle,

Boyd,

Boyden,

Cameron,

Cowper,

Dockery,

Eaton,

Ennett,

Elliott,

Etheridge,

Exum,

Messrs. Jefferson.

Jeffreys,

Joyner,

Lindsay,

Melvin,

McMillan,

Moody,

Pasteur,

Pharr,

Reich,

Smith,

Speight,

Stallings,

Stowe,

Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,
Holmes,

Taylor,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Woodfin,
Worth.—45.

Mr. Drake voting for Mr. Heath.

Mr. Pasteur from the Joint Select Committee on the part of the Senate, reported, that Mr. Outlaw having received a majority of the votes given, is duly elected.

In which report the Senate concurred.

On motion of Mr. Boyden,

Ordered, That a Message be sent to the House of Commons, proposing to go into an election of Solicitor for the Sixth Judicial Circuit, to-day at 12 o'clock.

Received from the House of Commons, a Message proposing to go into an election this evening at four o'clock, for Secretary of State, and stating that William Hill is in nomination for the Office.

Which was read and agreed to.

The Speaker announced to the Senate that Messrs. Taylor and Thompson (of W.) form our branch of the Committee to superintend the election of Secretary of State, and the House of Commons was informed thereof by Message.

Received from the House of Commons, a Message agreeing to the proposition of the Senate, to go into an election at 12 o'clock to-day, for Solicitor of the Sixth Judicial Circuit; and stating that Messrs. Kirk and Puryear form their branch of the Committee to superintend said election.

The Speaker announced to the Senate, that Messrs. Woodfin and Biggs form our branch of the Committee to superintend the election of Solicitor for the Sixth Judicial Circuit, and the House of Commons was informed thereof by Message.

On motion of Mr. Woodfin, Haywood W. Guion; on motion of Mr. Hellen, Hamilton C. Jones; on motion of Mr. Pharr, James Osborne; and on motion of Mr. Jefferson, James R. Dodge, were nominated for the office of Solicitor for the Sixth Judicial Circuit, and the House of Commons was informed thereof by Message.

The Senate then voted as follows :

FOR MR. JONES.

Messrs. Albright,
Biggs,
Bogle,
Boyden,
Cowper,
Dockery,
Ennett,
Etheridge,
Exum,
Francis,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hill,
Holmes,

Messrs. Jeffreys,
Melvin,
Moody,
Reieh,
Reich,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Wilson,
Worth,
Joyner.—31.

FOR MR. OSBORNE.

Messrs. Speaker,
Elliott,
Lindsay,

Messrs. Pharr,
Smith,
Walker.—6.

FOR MR. DODGE.

Messrs. Eaton,
Gwynn,
Hester,

Messrs. Jefferson,
McMillan.—5.

FOR MR. GUION.

Messrs. Cameron, Pasteur, and Woodfin.—3.

Mr. Biggs from the Joint Select Committee on the part of the Senate to superintend the election of Solicitor for the Sixth Judicial Circuit, reported that Mr. Jones having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

Mr. Elliott presented a Bill, entitled a Bill to incorporate the Franklinville Guards, in the County of Randolph; which was read the first time and passed.

Mr. Boyden presented a Bill, entitled a Bill more effectually to suppress the offence of trading with Slaves; which was read the first time and passed, and on his motion was referred to the Judiciary Committee.

Mr. Jefferson presented a Bill, entitled a Bill to prohibit the levying of executions upon growing crops, until said crops are matured; which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

On motion of Mr. Cameron,

Ordered, That a message be sent to the House of Commons, proposing to go into an election of Supreme Court Judge on Monday next, at 12 o'clock; and nominating for that office, Frederick Nash, of Hillsboro'.

Received from the House of Commons a message, therein transmitting the report of the Public Treasurer of the State, with a proposition that it be printed; which was read and agreed to.

Mr. Halsey presented a Bill, entitled a Bill to protect the public bridges in the Counties of Tyrrell and Washington; which was read the first time and passed.

Received from the House of Commons a message, proposing to go into an election to-morrow at eleven o'clock, for Solicitor of the Seventh Judicial Circuit, and stating that the names of Messrs. Jno. G. Bynum, Burges S. Gaither, and Michael Francis are in nomination for the appointment; which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Boyden and Woodfin compose our branch of the Committee to superintend the election of Solicitor for the Seventh Judicial Circuit; and the House of Commons was informed thereof by message.

On motion of Mr. Wilson,

Ordered, That Mr. Edwards have leave of absence from the service of the Senate to-day.

Mr. Boyden presented a Bill, entitled a Bill to alter the division line between the Counties of Lincoln and Catawba; which was read the first time and passed.

On motion of Mr. Boyden,

Ordered, That a message be sent to the House of Commons, proposing to go into an election of Judge of the Superior Court of Law and Equity, to supply the vacancy occasioned by the resignation of the Hon. Frederick Nash, on Monday next, at one o'clock.

Mr. Boyden presented a Bill, entitled a Bill to amend the 7th Section of the 45th Chapter of the Revised Statutes, and to repeal the Act of the General Assembly of 1840, entitled an Act in favor of Poor Debtors; which was read the first time and passed.

Mr. Boyden introduced sundry Petitions and Memorials in relation to the subject of altering the dividing line between the Counties of Lincoln and Catawba, and on his motion, it was

Ordered, That a Message be sent to the House of Commons, proposing to raise a Joint Select Committee of five on the part of each House to whom the same shall be referred.

Mr. Halsey, from the Committee appointed to prepare Rules of Order for the government of the Senate, reported the Rules of Order of the last session, with sundry amendments.

RULE I.

When the Speaker takes his Chair, each Member shall take his seat, and on the appearance of a quorum, the Journal of the preceding day shall be read.

RULE II.

After the reading of the Journal of the preceding day, the Senate shall proceed to business in the following order, to-wit:

1. The receiving Petitions, Memorials, Pension Certificates, and Papers addressed either to the General Assembly or to the Senate.
2. Reports of Standing Committees.
3. The reports of Select Committees.
4. Resolutions.
5. Bills.
6. Bills, Resolutions, Petitions, Memorials, Messages, Pension Certificates, and other Papers on the table. Then the order of the day; but motions and messages to elect Officers shall always be in order.

RULE III.

1. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more mem-

bers happen to rise at once, the Speaker shall name the one who is first to speak.

2. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing or passing between him and the Chair.

RULE IV.

All Bills and Resolutions of a public nature shall pass, as a matter of course, the first reading.

RULE V.

1. If any member in speaking, or otherwise, transgresses the Rules of the House, the Speaker shall, or any member may, call him to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate.

2. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

RULE VI.

When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or to amend; which several motions shall have precedence in the order they stand arranged; and the motion for adjournment shall always be in order, and decided without debate.

RULE VII.

1. Questions may be stated by the Speaker sitting, but they shall be put standing. Questions shall be distinctly put in this form: Senators, as many as are of opinion that (as the case may be,) say—Aye; and after the affirmative voice is expressed: As many as are of a contrary opinion say—No.

2. If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirm-

ative of the question to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announce its decision. No member who was without the bar of the Senate when any question was put from the Chair, shall enter his Yea or Nay without leave, unless he shall have been absent on some Committee: and the row of pillars shall be the bar of the Senate.

RULE VIII.

When any member shall make a motion, which is not of course, he shall reduce the same to writing if required.

RULE IX.

In all cases of election by the House, the Speaker shall vote; and when on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote, if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

RULE X.

No member shall depart the service of the House without leave, or receive pay as a member for the time he is absent.

RULE XI.

Petitions, Memorials and other papers addressed to the House, shall be presented by the Speaker, or by a Member in his place. A brief statement of the contents thereof shall verbally be made by the introducer; and the Petition, Memorial, or other paper, shall not be read unless so ordered by the House.

RULE XII.

Resolutions for the appropriation of public money, and all Resolutions of a public nature, as well as all Bills, shall be read

the first time for information, and upon this reading shall not be subject to amendment; but may be amended on the second and third reading. And the Clerk shall keep a Calendar of all such Resolutions and Bills, with the orders taken on them, for the inspection of the members of the Senate.

RULE XIII.

All Bills of a public nature, when ready for the second reading, shall be noted to be read, at least one day previous thereto; and then shall first be read for information, and afterwards paragraph by paragraph, and held open for amendment.

RULE XIV.

After a Bill has once been rejected, postponed indefinitely, or to a day beyond the session, another of like provisions shall not be introduced during the same session.

RULE XV.

When a question has been once decided, it shall be in order for any member in the majority to move for a reconsideration thereof on the same or succeeding day, if the Bill, Resolution, or paper upon which the question has been taken, be in possession of the Senate. And no Bill or Resolution of a public nature, shall be sent from the Senate until twelve o'clock the succeeding day.

RULE XVI.

The Speaker shall examine and correct the Journal before it is read; he shall have the general directions of the Hall; he shall designate the members who shall compose all Committees, except when otherwise ordered; and the Select Committees of this House shall consist of five members.

RULE XVII.

There shall be appointed by the Speaker, the following Committees, viz: a Committee of Propositions and Grievances, a Committee of Privileges and Elections, a Committee of Claims, a Com-

mittee on the Judiciary, a Committee on Internal Improvement, and a Committee on Education and the Literary Fund; consisting of seven members each.

RULE XVIII.

When the House resolves itself into a Committee of the Whole, the Speaker shall leave the Chair and appoint a Chairman; and when upon any other occasion the Speaker wishes to leave the Chair, he shall appoint a Speaker *pro tem*.

RULE XIX.

When any Petition, Memorial or other Paper addressed to the House shall have been referred either to one of the Standing or Select Committees, they shall in their report on the Petition, Memorial or other Paper, make a statement in writing of the facts embraced in the case so referred.

RULE XX.

In case of any disturbance, or disorderly conduct in the lobby or gallery, the Speaker, or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

RULE XXI.

No person except Members of the House of Commons, Officers and Clerks of the two Houses of the General Assembly, Judges of the Supreme and Superior Courts, Officers of the State resident at the seat of Government, Members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been Members of either House of the Legislature, shall be admitted within the Bar of the Senate.

RULE XXII.

Any member dissatisfied with the decision of the Speaker on any question of order, may appeal to the House.

RULE XXIII.

When the House adjourns, the Members shall keep their seats till the Speaker leaves the Chair.

RULE XXIV.

On motion of adjournment, the question shall be decided without debate.

RULE XXV.

The Rules for the government of the Senate, shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two-thirds of the members present.

By Order,

B. S. GAITHER,
Speaker of the Senate.

THOS. G. STONE, Clerk.

The Senate took a recess until 3 o'clock.

The Senate met at 3 o'clock P. M.

Received from the House of Commons a message, proposing to raise a joint select Committee, to consist of three, on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August Election, and that Messrs. Adams, Graves and Atkins form the Committee on their part.

Which was read and agreed to.

Received from the House of Commons a message, stating that Messrs. Poindexter and Edwards form their branch of the Committee to superintend the Election of Secretary of State.

Received from the House of Commons a message, proposing to raise a Joint Select Committee on the part of each House, to consist of five members, to whom shall be referred so much of the Governor's message as relates to Cherokee Land Bonds, &c.

Which was read and agreed to.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of four on the part of each House, to whom shall be referred so much of the Governor's message as relates to Rail Roads, and their financial connection with the State. Also to raise a Joint Select Committee of three, on the part of each House, to whom shall be referred so much of the

said message, as relates to an Asylum for the Insane, the Deaf and Dumb. Also, to raise a Committee of three, on the part of each House, to whom shall be referred so much of said message as relates to a Penitentiary. Also, a Committee of three, on the part of each House, upon so much of said message as relates to enclosing the Capitol Square: which was read and on motion of Mr. Joyner, ordered to lie on the table.

Mr. Biggs presented the following Resolution:

Resolved, That the Committee on the Judiciary enquire into the expediency of giving to the Courts of Law, jurisdiction of Equitable claims and demands not exceeding in amount fifty dollars.

Which was read and adopted.

Mr. Tayloe presented a Bill, entitled a Bill, to cede to the United States a certain Tract of Land lying on the Island of Portsmouth, Carteret County, for the purpose of erecting a Marine Hospital thereon.

Which was read the first time and passed; and on motion of Mr. Hellen was referred to the Committee on the Judiciary.

Mr. Biggs from the Joint Select Committee on the part of the Senate appointed to prepare Joint Rules for both Houses, reported the Joint Rules of the last Session of the General Assembly, and recommended their adoption.

Which was read and concurred in.

Received from the House of Commons, a message concurring with the Senate in raising a Joint Select Committee to consist of five Members on the part of each House, to whom shall be referred the several Memorials upon the dividing line between Lincoln and Catawba Counties, and stating that their Committee consist of Messrs. Mebane, Haughton, Ellis, Phifer and Wilder.

Whereupon, the Speaker announced to the Senate, that Messrs. Boyden, Stowe, Walker, Joyner and Cameron form our Committee on the dividing line between Lincoln and Catawba; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to go into an election for Judge of the Supreme Court, with this amendment—that said election take place to-morrow at 12 o'clock instead of Monday next; and they concur in our proposition to go into an election for Judge of the Superior Court, on Monday, at one o'clock; which was read and not agreed to.

Received from the House of Commons a message, in which they concur in our proposition to refer the joint Rules for the regulation of the intercourse between the two Houses, to a Committee of two on the part of each House; and state that Messrs. Guthrie and Wilder compose their Committee.

Whereupon, the Speaker announced to the Senate that Messrs. Albright and Biggs constitute our branch of said Committee; and the House of Commons was informed thereof by message.

The hour agreed on by the two Houses, to vote for Secretary of State having arrived, the Senate proceeded to vote as follows :

FOR MR. HILL.

Messrs. Speaker,
Albright,
Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Elliott,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Holmes,

Messrs. Jefferson,
Jeffreys,
Joyner,
Lindsay,
Melvin,
McMillan,
Moody,
Pasteur,
Pharr,
Reich,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Woodfin,
Worth.—15.

Mr. Tayloe, from the Joint Select Committee on the part of the Senate to superintend the election of Secretary of State, reported that Mr. Hill having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

On motion of Mr. Exum, the Senate adjourned until to-morrow morning 10 o'clock.

FRIDAY, NOV. 29, 1844.

The Senate met pursuant to adjournment.

Mr. Ennett presented the following Resolution :

Resolved, That the certificate presented by the Senator from Onslow on Monday, the 18th inst., as well as the one presented by him this day, be referred to a Committee of three, who shall enquire into the facts, and report to this House; and that said Committee have leave to send for persons and papers.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. Keener and Flemming form their branch of the Committee to superintend the election of Solicitor for the 7th Judicial circuit.

The Speaker announced to the Senate the following Joint Committee on Finance, to-wit : Messrs. Dockery, Francis, Cameron, Wilson, Thompson, (of B.) Albright, Walker and Biggs.

Received from the House of Commons a message, proposing to print in pamphlet form, the Constitution of the United States, the Constitution of this State, the Rules of Order of the Senate and House of Commons, and the joint Rules of both Houses—one copy for each member of the two Houses, one copy for each of the Clerks, ten copies for the State Library, and five copies for the University; which was read and agreed to.

On motion of Mr. Halsey,

Ordered, That a message be sent to the House of Commons, proposing to raise a Committee on Military Affairs.

Mr. Stowe presented a Bill, entitled a Bill to change the location of the Court House of the County of Lincoln, and for other purposes; which was read the first time and passed.

Received from the House of Commons a message, receding from their amendment to the message of the Senate, to vote for Judge of the Supreme Court, and agree to vote for Judge of the Supreme Court at 12 o'clock on Monday.

The Speaker presented to the Senate a communication from Weston R. Gales, tendering to the Legislature the use of the bell attached to the City Clock; which was read, and on motion of Mr. Edwards, was ordered to lie on the table.

Received from the House of Commons a message, transmitting to the Senate, the Statement of the Bank of Cape Fear and branches,

made on the 2d Nov. 1844; which was, on motion of Mr. Edwards, ordered to lie on the table and be printed.

The hour agreed on by both Houses, to vote for Solicitor of the Seventh Judicial Circuit having arrived—

The Senate voted as follows :

FOR MR. GAITHER.

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,

Messrs. Hester,
Holmes,
Jeffreys,
Joyner,
Lindsay,
Melvin,
McMillan,
Smith,
Speight,
Stallings,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Waddell,
Wilson.—34.

FOR MR. BYNUM.

Messrs. Albright,
Boyden,
Hellen,
Hill,
Jefferson,

Messrs. Moody,
Pharr,
Reich,
Woodfin,
Worth.—10.

Mr. Stowe voting for Mr. Francis.

Mr. Boyden, from the Joint Select Committee on the part of the Senate, to superintend the election of Solicitor of the Seventh Judicial Circuit, reported that neither of the candidates in nomination having received a majority of the votes given, there was no election.

In which report the Senate concurred.

On motion of Mr. Boyden,

Ordered, That a message be sent to the House of Commons, proposing to go into an election, forthwith, of Solicitor for the Seventh Judicial Circuit.

Received from the House of Commons a message, agreeing to our proposition to go immediately into an election for Solicitor of the Seventh Judicial Circuit; and that the name of Michael Francis is withdrawn from the nomination. Messrs. Kirk and Waddell form their branch of the Committee.

The Speaker announced that Messrs. Woodfin and Boyden form our branch of the Committee to superintend the election of Solicitor for the Seventh Judicial Circuit; and the House of Commons was informed thereof by message.

The Senate then voted as follows :

FOR MR. GAITHER.

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,

Messrs. Hester,
Holmes,
Jeffreys.
Joyner,
Lindsay,
Melvin,
McMillan,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson.—36.

FOR MR. BYNUM.

Messrs. Boyden,
Hellen,

Messrs. Woodfin,
Jefferson,

Hill,
Pharr,
Reich,

Worth,
Moody.—9.

Mr. Woodfin, from the Joint Select Committee on the part of the Senate, to superintend the election of Solicitor for the Seventh Judicial Circuit, reported that Mr. Gaither, having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

Mr. Worth presented the following Resolution :

Resolved, That the Treasurer of this State be directed to pay to John L. Christian, late Sheriff of Montgomery County, the sum of two hundred dollars, which amount has been collected from him for failing to fill the Clerk's certificate, relative to blank licenses ; and that the same be allowed the Treasurer, in the settlement of his public Accounts.

Which was read the first time and passed, and on his motion, was referred to the Committee on Propositions and Grievances.

Mr. Woodfin presented the following Resolution :

Resolved, That the Judiciary Committee enquire into the expediency of erecting an eighth Judicial Circuit, for the State of North Carolina.

Which was read and adopted.

Mr. Joyner presented the following Resolution :

Resolved, That the Committee on Internal Improvement be discharged from the further consideration of so much of the Governor's Message as relates to Rail Roads, and that the same be referred to a Select Committee.

Which was read and rejected.

Received from the House of Commons the following resignations of Justices of the Peace: Archilaus Hammonds, of Columbus County ; Reuben Hartly, of Ashe County ; David Campbell, of Randolph County ; Thomas Loyth, of the County of McDowell, and Louis D. Wilson, of the County of Edgecomb ; which were severally read and accepted.

Mr. Worth presented the following Resolution :

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee, to consist of three members

on the part of each House, to enquire into the expediency of bringing before Congress the subject of rebuilding the Branch Mint at Charlotte, in this State.

Which was read and adopted.

On motion of Mr. Stowe,

Ordered, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of five on the part of each House, to whom shall be referred the subject of altering the location of the County seat of Lincoln County.

The Speaker announced to the Senate, that Messrs. Waddell, Edwards, and Thompson, (of B.) compose our Committee, to ascertain the time and manner of counting and comparing the votes cast for Governor, at the late August election; and the House of Commons was informed thereof by message.

On motion of Mr. Biggs, the Senate adjourned until to-morrow morning ten o'clock.

SATURDAY, Nov. 30, 1844.

The Senate met according to adjournment.

Mr. Francis presented the Memorial of George Southerlin, of the County of Cherokee, praying the Legislature to grant him the privilege of Working a Silver Mine in Macon County, upon certain restrictions.

Which was read, and on his motion was referred, together with the accompanying documents, to the Committee on Propositions and Grievances.

Received from the House of Commons a message, stating that Messrs. Hayes, Keener, Fleming, Mills and Gambill, compose the Committee on their part, on Cherokee Land Bonds, &c.

The Speaker announced to the Senate, that Messrs. Woodfin, Francis, Walker, Thompson, (of W.) and Holmes, form our Committee on Cherokee Land Bonds; and the House of Commons was informed thereof by message.

Messrs. Jeffreys, Hester and Smith form our Committee on the Library, and the House of Commons was informed thereof by message.

Mr. Bogle presented the Pension Certificate of the Clerk of the County Court of Iredell County, in favor of Ann Patterson.

Which was read, and on motion of Mr. Edwards, was ordered to be countersigned by the Speaker, and sent to the House of Commons.

Mr. Boyd presented the resignation of John Matur, a Justice of the Peace for the County of Rockingham.

Which was read and accepted, and sent to the House of Commons.

The Speaker announced to the Senate, that Messrs. Francis, Wilson and Hellen, form the Committee on the Resolution of the Senator from Onslow County.

Mr. Woodfin presented the Petition of the Stockholders of the Howard Gap Turnpike Company, praying the Legislature so to amend their Charter, as for the State to take an equal amount of Stock with the Shareholders, by paying an equal amount into the Company with the Shareholders.

Which was read, and on his motion, was referred to the Committee on Internal Improvement.

On motion of Mr. Bogle,

Ordered, That the Bill relative to the erection of a new Connty by the name of Gaston, together with the accompanying documents, be referred to the Committee on Propositions and Grievances.

Received from the House of Commons a message, transmitting to the Senate a communication from Weston R. Gales, tendering to the Legislature the use of the City Bell, with a proposition to refer it to a Joint Select Committee of two.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate, that Messrs. Lindsay and Speight form our branch of the Committee on said communication; and the House of Commons was informed thereof by message.

On motion of Mr. Jeffreys,

Ordered, That Mr. Eaton have leave of absence from the service of the Senate this day.

On motion of Mr. Joyner, the message of the House of Commons, proposing to raise a Joint Select Committee to consist of four on the part of each House, to whom shall be referred so much of the Governor's message, as relates to Rail Roads and their Financial connection with the State; so much as relates to an Asylum; so much as relates to a Penitentiary; and so much as relates to enclosing the Capitol Square were taken up, read, and not agreed to; and the House of Commons was informed thereof by message.

Mr. Boyden presented a Bill, entitled a Bill, to prevent frauds in levying executions issued by a single Magistrate upon Lands, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under executions.

Which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

On motion of Mr. Woodfin,

Ordered, That the Comptroller's Report, made to Governor Dudley, ending Nov. 1st, 1837, be printed in Pamphlet form, one copy for each Member, and other copies to be filed in the public offices at the seat of Government, for the purpose of preserving a record of the same.

Mr. Gwynn from the Committee on Propositions and Grievances to whom was referred a Bill, entitled a Bill, to lay off and establish a County to be called Morehead, reported adversely thereto and recommended its rejection.

Which was read.

On motion of Mr. Woodfin, the Senate adjourned until Monday morning ten o'clock.

MONDAY, DECEMBER 2, 1844.

The Senate met according to adjournment.

Mr. Pasteur presented the pension certificate of the County

Court Clerk of Craven County, in favor of Thomas Ewell, for the years 1843-'4, and that of John Rhem; which were severally read, and on his motion, were ordered to be countersigned by the Speaker, and sent to the House of Commons.

Mr. Walker presented the pension certificate of the Clerk of the County Court of Mecklenburg County, in favor of Martha Thompson; which was read, and on his motion, was ordered to be countersigned by the Speaker, and sent to the House of Commons.

Mr. Worth presented a Bill, entitled a Bill to extend the provisions of an Act passed at the Session of the General Assembly of 1830-31, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk's Office of said County; and also to extend the provisions of an Act passed at the Session of 1831-32, entitled an Act in addition to an Act passed at the last Session of the General Assembly of this State, in relation to the burning of the records of Hertford County, to the Counties of Montgomery and Stanly; which was read the first time and passed, and on his motion, was referred to the Committee on Propositions and Grievances.

Mr. Walker presented a Bill, entitled a Bill to attach a portion of the militia of the sixty-ninth Regiment, to the sixty-eighth Regiment; which was read the first time and passed.

Mr. Halsey presented a Bill, entitled a Bill to alter the mode of appointing Constables in the County of Tyrrell; which was read the first time and passed.

Mr. Lindsay presented a Bill, entitled a Bill to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company; which was read the first time and passed.

The Speaker announced to the Senate, that Messrs. Boyden, Tayloe, Pasteur, Gwyn and Hargrave form the Committee on so much of the Governor's Message as relates to a Lunatic Asylum.

Messrs. Elliott, Hill, Moody, Walker and Bogle, on so much of the Governor's Message as relates to a Penitentiary; and Messrs. Edwards, Halsey, Stallings, McMillan and Gavin, on so much of the Governor's Message as relates to Agriculture, and to a Geological, Mineralogical and Agricultural survey of the State.

Received from the House of Commons a message, agreeing to the proposition of the Senate to raise a Joint Select Committee of five from each House, on Military Affairs, and stating that Messrs. Hawkins, Waddell, Ehringhaus, Prentiss and Mangum form their Committee.

Whereupon, the Speaker announced to the Senate that Messrs. Dockery, Wilson, Elliott, Pasteur and Cowper form our Committee; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Mills, Cherry, Poindexter, Mebane, Haughton, Atkins, Ellis and Jones form their Committee on Finance. That Messrs. Guthrie, Ellis, and R. P. Williamson form their Committee on the Library; and that Messrs. Wilder and Brower form their Committee on the communication from Weston R. Gales, Intendant of Police.

On motion of Mr. Dockery,

Ordered, That so much of the Governor's Message as relates to the enclosing the Capitol Square, be referred to a Select Committee.

Mr. Francis presented the following Resolution :

Resolved, That so much of the Governor's Message as relates to the altering the times of holding elections in this State, be referred to a Select Committee of five.

Which was read and adopted.

Mr. Halsey presented the petition of the commissioned Officers of the seventh Regiment of North Carolina militia; praying the Legislature to amend or abolish the militia laws of this State; which was, on his motion, referred to the Committee on Military Affairs.

Received from the House of Commons a message, agreeing to the proposition of the Senate to raise a Joint Select Committee of five on the part of each House, on the subject of changing the location of the Court House of Lincoln County, and stating that Messrs. Puryear, T. Wilson, Waddell, Foy and Hamrick form their Committee.

Whereupon, the Speaker announced to the Senate that Messrs. Stowe, Stallings, Francis, Woodfin and Waddell form the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a Joint Select Committee on the part of each House, upon the subject of memorializing Congress on the subject of rebuilding the Branch Mint at Charlotte,

and stating that Messrs. Kirk, Harris, and Rankin compose the Committee on their part.

Whereupon, the Speaker announced to the Senate, that Messrs. Worth, Walker and Stowe compose said Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Clayton, Jas. G. Dickson, Doak, and Dunn, form their Committee on Enrolled Bills the present week.

Whereupon, the Speaker announced to the Senate that Messrs. Albright and Biggs form said Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Mr. Biggs presented a Bill, entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Statutes; which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

Mr. Dockery presented the following Resolution:

Resolved, That five days compensation, at the usual day pay for said services, be allowed to William Stringer and Green Hill, for assisting this body until its organization.

Which was read the first time and passed, and on his motion, was referred to the Committee on Claims.

Mr. Elliott presented a Bill, entitled a Bill concerning Jury trials; which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

Received from the House of Commons the resignation of the following Justices of the Peace: Theophilus Slaughter and Willie Nobles, of the County of Pitt, and A. Linville, of the County of Stokes.

Which were severally read and accepted.

The Speaker presented to the Senate, the Memorial of the Mecklenburg Monument Association.

Which was read, and on motion of Mr. Walker was referred to a Select Committee.

The Bill, entitled a Bill to lay off and establish a County to be called Morehead, was taken up, read the second time, and rejected.

Mr. Jefferson demanded the Yeas and Nays, which are as follows:

Those who voted in the affirmative, are

Messrs. Francis and Jefferson.

Those who voted in the negative, are

Messrs. Biggs,
Bogle,
Boyd,
Boyden,
Cameron.
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Joyner,
Lindsay,
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson (of W.)
Tomlinson,
Walker,
Wilson,
Worth,
Worth.—42.

The Bill entitled a Bill, to change the location of the Court House of the County of Lincoln, and for other purposes, was taken up, and on motion of Mr. Stowe, was referred to the Joint Select Committee on that subject.

The Bill, entitled a Bill, to lay off and establish a County by the name of Gaston, was taken up, and on motion of Mr. Bogle was referred to the Committee on Propositions and Grievances.

Received from the House of Commons, the following Resolution in relation to the time and manner of counting and comparing the votes cast for Governor at the late August election, accompanied by a message asking the concurrence of the Senate therein, viz:

Resolved, That the two Houses of the General Assembly shall assemble in the Hall of the House of Commons, on Thursday the 5th day of December 1844, at 12 o'clock. That one Member shall be appointed Teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared. That the result

shall be delivered to the Speaker of the Senate, who shall announce to the two Houses assembled as aforesaid, the state of the vote, and the person elected, if it shall appear that a choice has been made agreeably to the Constitution of the State, which communication shall be deemed a sufficient declaration of the person elected, and together with a list of the votes, shall be entered on the Journal of the two Houses.

Which was read and concurred in, and the House of Commons was informed thereof by message.

The Bill, entitled a Bill, to incorporate the Franklinsville Guards in the County of Randolph, was taken up, read the second time, and passed.

The hour agreed on by the two Houses to vote for a Judge of the Supreme Court having arrived—

The Speaker announced to the Senate, that Messrs. Cameron and Joyner form our Committee to superintend the election of a Supreme Court Judge, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Mebane and Brame form the Committee on their part to superintend the election for Judge of the Supreme Court.

The Senate then voted as follows :

FOR MR. NASH.

Messrs. Speaker,
Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Cowper,
Dockery,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Francis,

Messrs. Holmes,
Jefferson,
Jeffreys,
Joyner,
Lindsay,
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Smith,
Speight,
Stowe,
Tayloe,
Thompson, (of E.)

Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,

Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—44.

Mr. Cameron, from the Joint Select Committee on the part of the Senate to superintend the election for Judge of the Supreme Court, reported that Mr. Nash having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

The Bill, entitled a Bill, to amend the Seventh Section of the Forty-fifth Chapter of the Revised Statutes, and to repeal the Act of the General Assembly, of A. D. 1840, entitled an Act in favor of Poor Debtors was taken up, and on motion of Mr. Boyden, was referred to the Committee on the Judiciary.

The Bill, entitled a Bill, to protect the Public Bridges in the Counties of Tyrrell and Washington, was taken up, read the second time and passed.

The Bill, entitled a Bill, to alter the division line between the Counties of Lincoln and Catawba, was taken up, and on motion of Mr. Worth, was referred to the Joint Select Committee on that subject.

On motion of Mr. Cowper, Augustus Moore, of the County of Chowan, was nominated for the Office of Judge of the Superior Court of Law and Equity, to supply the place occasioned by the resignation of the Hon. Frederick Nash.

And, on motion of Mr. Waddell, David F. Caldwell was added to the nomination.

The Speaker announced to the Senate, that Messrs. Waddell and Cowper constitute our branch of the Committee to superintend the election for Judge of the Superior Court; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Ellis and Ehringhaus form their branch of the Committee to superintend the election for Judge of the Superior Court; and that they will commence voting on return of the messenger.

The Senate then voted as follows :

FOR MR. CALDWELL.

Messrs. Speaker,
Bogle,
Boyden,
Cameron,
Dockery,
Edwards,
Elliott,
Ennett,
Francis,
Hargrave,
Hellen,
Jefferson,

Messrs. Joyner,
Lindsay,
McMillan,
Pharr,
Reich,
Smith,
Stowe,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

FOR MR. MOORE.

Messrs. Biggs,
Boyd,
Cowper,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hester,

Messrs. Holmes,
Jeffreys.
Melvin,
Pasteur,
Speight,
Stallings,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—20.

Mr. Hill voting for W. A. Wright.

Mr. Waddell, from the Joint Select Committee on the part of the Senate to superintend the election for Judge of the Superior Court of Law and Equity, reported that Mr. Caldwell having received a majority of the votes given, was duly elected.

In which report the Senate concurred.

On motion of Mr. Biggs, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, DEC. 3, 1844.

The Senate met according to adjournment.

Received from the House of Commons the Pension Certificate of the Clerk of the County Court of Cumberland County, in favor of Martha Spears.

Which was read, and on motion of Mr. Cameron, ordered to be countersigned by the Speaker.

Received from the House of Commons, the resignation of B. W. Hathaway, a Justice of the Peace for the County of Chowan.

Which was read and accepted.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to amend the Revised Statutes concerning Executions; and the Engrossed Resolution in favor of Leonard Ziglar, in which they ask the concurrence of the Senate.

Said Bill and Resolution were read the first time and passed, and on motion of Mr. Edwards, the Bill was referred to the Committee on the Judiciary, and the Resolution to the Committee on Claims.

Mr. Eaton presented the following Resolution :

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of reporting a Law, providing that where a Debtor makes a Deed in Trust to secure creditors, the same shall enure to the benefit of all Creditors; and if there should be a deficiency to pay all, the Trust Fund shall be distributed *pro rata*.

Which was read and adopted.

Mr. Thompson, (of W.) presented the following Resolution :

Resolved, That the Secretary of State be authorized to execute such Deeds as may be necessary to the original purchasers, or present owners of certain Tracts or Lots of Land, of the late John Haywood, deceased, lying on Bushy branch three miles West of the City of Raleigh, containing in the whole, five hundred acres, more or less : *Provided*, it shall be made to appear to the Public Treasurer, Comptroller, and Secretary of State, that the purchasers thereof have paid for the same, and that through neglect or otherwise, no Deeds have ever been executed to said purchasers.

Which was read, and on his motion, was referred to the Committee on Propositions and Grievances.

Mr. Boyd presented the following Resolution :

Resolved, That the Committee on Education and the Literary Fund, be instructed to enquire into the expediency of so altering the Statute Law in relation to escheats, as to vest them in the Literary Board instead of the University; and that they report by Bill or otherwise.

Which was read and adopted.

Mr. Wilson presented a petition of sundry citizens of the County of Edgecomb, praying the Legislature to prevent the destruction of Fish by the hauling of seines and drag-nets in Great Conetoe creek, above Randolph's mills in Pitt County.

Which was read, and on his motion, was referred to the Committee on Propositions and Grievances.

Mr. Joyner presented the following Resolution :

Resolved, That the use of the Senate Chamber be tendered to the Electoral College, in which to hold their meetings to vote for President and Vice President of the United States.

Which was read and adopted.

Mr. Waddell from the Committee on the Judiciary, to whom was referred the Bill, entitled a Bill, to cede to the United States a certain Tract of Land lying on the Island of Portsmouth, Carteret County, for the purpose of erecting a Marine Hospital thereon, reported the same without amendment.

Mr. Waddell moved that the Rules be so amended as to read the Bill a second time.

The Rule was suspended accordingly.

Mr. Hellen moved to amend the Bill, by striking out the word "all," in the third line, second paragraph, and inserting in lieu thereof, the words "*two acres of that piece or parcel of Land.*"

Which amendment did not prevail.

Mr. Halsey demanded the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Hellen and Pharr.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,

Messrs. Jefferson,
Jeffreys,

Boyd,
Boyden,
Cameron.
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,
Holmes,

Joyner,
Lindsay,
Melvin,
McMillan,
Reich,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson (of W.)
Tomlinson,
Waddell,
Walker,
Woodfin,
Worth.—39.

The Bill then passed the second time.

Mr. Tayloe moved that the Rules of the Senate be suspended so as to read the Bill a third time.

The Rule was suspended accordingly, and the Bill was then read.

Mr. Hellen then moved to amend the Bill, by striking out "all that parcel or part of Land," and inserting "five acres." Which was negatived.

The Bill then passed and was ordered to be Engrossed.

Mr. Speight from the Joint Select Committee, to whom was referred the communication of Weston R. Gales, Intendant of Police, tendering to the Legislature the use of the Bell at the City Hall, reported that they recommended accepting the polite tender made by said communication.

Which was read and concurred in.

Mr. Francis presented the following Preamble and Resolution, to-wit :

WHEREAS, Emily Perry, of Wake County and State of North Carolina, is the holder of three thousand, three hundred dollars in Treasury Notes, emitted by the General Assembly of the State aforesaid, held at New Berne the tenth day of May in the year seventeen hundred and eighty; and that the said State has not redeemed the same,

Therefore be it Resolved, That the Public Treasurer be authorized

to pay the said Emily Perry three thousand, three hundred dollars, and that he be allowed the same in the settlement of his public accounts.

Which was read the first time and passed, and on his motion, was referred to the Committee on Claims.

Mr. Jefferson presented a Bill, entitled a Bill, to incorporate the North Carolina Mining, Manufacturing and Land Association.

Which was read the first time and passed.

On motion of Mr. Jefferson,

Ordered, That a Select Committee of five be appointed on Private Bills.

Mr. Cameron presented a Bill, entitled a Bill, to incorporate Cross Creek Lodge No. 4, of the Independent Order of Odd Fellows, in the Town of Fayetteville.

Which was read the first time and passed.

The Bill, entitled a Bill, to attach a portion of the Militia of the sixty-ninth Regiment to the sixty-eighth Regiment; and the Bill, entitled a Bill, to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company, were taken up the second time, read and passed.

Mr. Boyden presented a Bill, entitled a Bill, for the more speedy and equitable settlement of the Estates of deceased persons.

Which was read the first time and passed, and on motion of Mr. Edwards, was referred to the Committee on the Judiciary, and ordered to be printed.

The Bill entitled a Bill, to alter the mode of appointing Constables in the County of Tyrrell, was taken up, read the second time and passed.

The Speaker announced to the Senate, that Mr. Dockery will act as Teller on the part of the Senate in counting and comparing the votes cast for Governor at the late August election.

The Bill, entitled a Bill, to incorporate the Franklinsville Guards in the County of Randolph; and the Bill, entitled a Bill, to protect the Public Bridges in the Counties of Tyrrell and Washington, were taken up, read the third time and passed, and ordered to be Engrossed.

The Speaker announced to the Senate, that Messrs. Jefferson, Reich, Speight, Moody and Tomlinson, compose the Committee on Private Bills.

Received from the House of Commons a message, transmitting

to the Senate a communication from His Excellency, the Governor, relative to the informal return of Sheriffs of the election for President and Vice President of the United States.

Which was read and the proposition to print agreed to, and on motion of Mr. Wilson was referred to the Committee on the Judiciary.

Mr. Halsey presented a Bill, entitled a Bill, more effectually to prevent the imprisonment of honest debtors.

Which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary, and ordered to be printed.

The Bill, entitled a Bill, to incorporate the North Carolina Mining, Manufacturing and Land Association was taken up, and on motion of Mr. Jefferson was referred to the Committee on Private Bills.

On motion of Mr. Jefferson, the Senate adjourned until to-morrow ten o'clock.

WEDNESDAY, DEC. 4, 1844.

The Senate met according to adjournment.

Mr. Francis presented a memorial of sundry citizens of Macon and Cherokee Counties, relative to granting to G. Southerlin the privilege of working a Silver Mine in the County of Macon; which was read, and on his motion was referred to the Committee on Cherokee Land Funds, &c.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Bill entitled a Bill more effectually to suppress the offence of trading with Slaves, reported the same to the Senate without amendment, and recommended its passage.

Mr. Waddell, from the same Committee, to whom was referred the Bill entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Statutes, reported the same to the Senate without amendment; which was read.

Mr. Waddell, from the same Committee, to whom was referred the Bill entitled a Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes, reported the same to the Senate with sundry amendments, viz: In the 11th line of the first section, fill the blank with the word "*fifteen*;" and in the 14th line of the same section, strike out the words "*Court and having*," and in the place thereof, insert the words, "*regular election by the people*."

Which was read.

Mr. Gwyn, from the Committee on Propositions and Grievances, to whom was referred a Bill, entitled a Bill extending the provisions of an Act of the General Assembly passed in 1830-'31, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk's Office of said County, to the citizens of the Counties of Montgomery and Stanly, reported the same to the Senate without amendment.

Which was read.

Mr. Gwyn, from the same Committee, to whom was referred the Resolution in favor of Jno. L. Christian, Sheriff of Montgomery County, reported the same to the Senate, and recommended its passage.

Which was read.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Bill entitled a Bill concerning Jury trials, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Drake, from the Committee on Claims, to whom was referred a Resolution in favor of William Stringer and Green Hill, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

The Speaker announced to the Senate that Messrs. Woodfin, Walker, Elliott, Biggs, and Thompson, (of B.) form the Committee on the Mecklenburg Monument Association.

Mr. Holmes presented a Bill, entitled a Bill to incorporate a Company of Cavalry in the town of Wilmington, New Hanover County.

Which was read the first time and passed.

Mr. Biggs presented two Resolutions in favor of Arthur S. Mooring, Sheriff of Martin County; which were read the first

time and passed, and on his motion referred to the Committee on Claims.

The Bill entitled a Bill to incorporate Cross Creek Lodge No. 4, of the Independent Order of Odd Fellows in the town of Fayetteville, was taken up and read the second time and passed.

The Bill, entitled a Bill to alter the mode of appointing Constables in the County of Tyrrell, and the Bill entitled a Bill to attach a portion of the militia of the sixty-ninth Regiment to the sixty-eighth Regiment, were taken up, read the third time and passed, and ordered to be engrossed.

The Bill entitled a Bill to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company, was taken up, read the third time, and on motion of Mr. Biggs, amended by striking out the third section thereof.

And on motion of Mr. Wilson, was made the order of the day for to-morrow.

On motion of Mr. Joyner, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, DECEMBER 5, 1844.

The Senate met according to adjournment.

On motion of Mr. Halsey, Mr. Shepard appeared, produced his credentials, was qualified before the House, and took his seat.

Received from the House of Commons a message, stating that Messrs. Guthrie and Cunningham form the Committee, on their part, for counting and comparing the votes for Governor.

Received from the House of Commons a message, stating that they have passed the engrossed Bill, entitled a Bill to cede a portion of Rutherford County to the County of Henderson; and the engrossed Bill, entitled a Bill to amend an Act incorporating the Trustees of Edenton Academy; in which they ask the concurrence of the Senate.

Whereupon, said Bills were severally read the first time and passed.

Received from the House of Commons, the resignation of N. Torian, a Justice of the Peace for the County of Person; and that of Oliver Herring, a Justice of the Peace for the County of Lenoir.

Which were severally read and accepted.

The Bill entitled a Bill to extend the provisions of an Act passed at the Session of the General Assembly of 1830-'31, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk's Office of said County, to the Counties of Montgomery and Stanly, was taken up, and read the second time and passed.

Mr. Hellen presented the following Resolution:

Resolved, That the Committee to whom was referred the Certificate of the Member from Onslow, be authorized and empowered to administer oaths to all such persons as may be brought before them for examination; and that two members be added to said Committee.

Which was read and adopted.

Whereupon, the Speaker announced to the Senate, that Messrs. Boyden and Edwards are added to said Committee.

The Resolution in favor of Emily Perry was taken up and read, and on motion of Mr. Francis was re-committed to the Committee on Claims.

The Resolution in favor of William Stringer and Green Hill, was taken up, and read the second time and passed.

The Bill entitled a Bill concerning Jury trials was taken up, and read the second time, and on motion of Mr. Shepard, made the order of the day for Thursday next.

Mr. Edwards presented the following Resolution:

Resolved, That the Public Treasurer be directed to report to the Senate, the whole amount of Stock held by the State in incorporated Companies—specifying the amount in each Company, and the fund to which it belongs. Also, what investments, if any, have been made since the last Legislature, and for what fund; and what sum or sums, if any, belonging to the Literary or Internal Improvement Fund remains uninvested; and also the several sums or debts due the State, (except Bonds for Cherokee Lands,) and the fund to which they belong.

Which was read and adopted.

The Bill entitled a Bill to incorporate a Company of Cavalry in the town of Wilmington, New Hanover County; the Bill entitled a Bill more effectually to suppress the offence of trading with Slaves; the Bill entitled a Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes; and the Resolution in favor of John L. Christian, Sheriff of Montgomery County, were taken up and severally read the second time and passed.

The Bill, entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Statutes, was taken up, and read the second time and passed.

Received from the House of Commons, the Pension Certificate of the County Court Clerk of Craven County, in favor of Alexander Taylor.

Which was read, and on motion of Mr. Pasteur, was ordered to be countersigned by the Speaker.

The Speaker announced to the Senate that Messrs. Shepard, Edwards, Waddell, Cameron and Francis form the Committee on so much of the Governor's Message as relates to Elections.

The Senate took up the Bill, entitled a Bill to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company.

Which was read the third time.

Mr. Biggs proposed the following amendment thereto :

Be it further enacted, That to secure the creditors of the Company, in addition to the property of said corporation, each Stockholder shall be liable to the creditors thereof, in such sum as is equal to the stock subscribed or owned by him; and each creditor may have an action of debt against all or any of the Stockholders.

Mr. Boyden moved the following amendment thereto :

And that the individuals composing said Company when they make their return, as directed in the section of their charter of incorporation to the County Court, shall in said return make an exhibit of all their private means and liabilities; and said returns shall be open to the inspection of all whomsoever.

Pending the question, the following message from the House of Commons was announced by the Speaker :

The hour of twelve having arrived, the Senate are informed that the House of Commons are ready to receive them in their Hall, for the purpose of counting and comparing the votes for Governor, as heretofore agreed on by the two Houses.

Whereupon the Senate repaired to the House of Commons.—The counting of votes according to the joint Resolution of the two Houses having been concluded, Mr. Dockery, on behalf of the Tellers of both Houses, reported.

Mr. Speaker Gaither then made the following announcement, to-wit :

Gentlemen of the Senate and House of Commons :

The returns of votes given at the election, on the first Thursday in August last, for Governor of this State, have been opened and published, according to law, in the presence of a majority of both Houses of the General Assembly.

The Tellers appointed by both Houses, to examine the returns and make a list of the votes, have reported that forty-two thousand, five hundred and eighty-six votes were given for William A. Graham, of the County of Orange, being the highest number given for any person : That thirty-nine thousand, four hundred and thirty-three votes were given for Michael Hoke, of the County of Lincoln.

No objection having been made to the said report, I declare that William A. Graham is duly elected Governor of the State of North Carolina, for two years from the first day of January next.

The following is a statement of the votes for Governor of the State, as reported by the Tellers of the two Houses.

COUNTIES.	FOR WM. A. GRAHAM.	FOR MICHAEL HOKE.
Anson	1073	506
Ashe	561	499
Beaufort	887	489
Bertie	507	409
Bladen	271	499
Brunswick	325	311
Buncombe	875	496
Burke	1263	309
Cabarrus	751	477
Caldwell	544	260
Camden	518	94
Carteret	454	332
Caswell	277	1088
Chatham	1153	794
Cherokee	383	241

COUNTIES.

FOR WM. A GRAHAM. FOR MICHAEL HOKE.

Chowan	286	168
Cleaveland	336	720
Columbus	180	342
Craven	681	622
Cumberland	603	1070
Currituck	137	485
Davidson	911	658
Davie	508	354
Duplin	246	866
Edgecomb	118	1410
Franklin	361	710
Gates	359	381
Granville	976	985
Greene	253	199
Guilford	1920	463
Halifax	589	378
Haywood	370	328
Henderson	565	206
Hertford	308	289
Hyde	401	189
Iredell	1527	379
Johnston	639	585
Jones	195	153
Lenoir	198	356
Lincoln	911	1773
Macon	393	285
Martin	316	523
Mecklenburg	808	1242
Montgomery	586	107
Moore	584	513
Nash	70	796
New Hanover	283	1101
Northampton	514	362
Onslow	173	553
Orange	1756	1555
Pasquotank	593	177
Perquimons	366	217
Person	287	622
Pitt	607	441
Randolph	1082	318
Richmond	678	113
Robeson	559	599
Rockingham	449	981

COUNTIES.	FOR WM. A. GRAHAM.	FOR MICHAEL HOKE.
Rowan	809	736
Rutherford	1402	436
Sampson	461	727
Stanly	541	81
Stokes	1105	1165
Surry	1032	1023
Tyrrell	311	137
Wake	1073	1271
Warren	127	716
Washington	368	136
Wayne	217	846
Wilkes	1333	167
Yancy	310	615
	<hr/> 42,586	<hr/> 59,433

Upon the invitation of the Speaker of the Senate, the Senators returned to the Senate Chamber.

Whereupon, on motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

FRIDAY, DEC. 6, 1844.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution in favor of Josiah Barnett, and the Engrossed Bill to amend the 9th section of the Revised Statutes, entitled an Act concerning the Comptroller, in which they ask the concurrence of the Senate.

Said Resolution and Bill were severally read the first time and passed.

The Speaker announced to the Senate, that Messrs. Dockery, Cameron, Shepard, Thompson, (of W.) and Wilson, form the

Committee on so much of the Governor's message as relates to enclosing the Capitol Square.

Mr. Francis presented the following Resolution :

Resolved, That the Public Treasurer pay to Wm. J. Lewis fifty dollars, for carrying a Writ of Election to the Sheriff of the County of Pitt.

Which was read the first time and passed, and on motion of Mr. Biggs was referred to the Committee on Claims.

Mr. Biggs presented a Bill, entitled a Bill, to repeal an Act passed in 1828, so far as it extends to the County of Martin.

Which was read the first time and passed.

Mr. Francis presented the following Resolution :

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency of so amending the Law, as to require Constables to return civil process to some magistrate residing in the same district with the defendant, or in case of no magistrate in said district, that he shall return before some Justice in an adjoining district, and that they report by bill or otherwise.

Which was read and adopted.

Mr. Wilson presented the resignation of George Howard, a Justice of the Peace for the County of Edgecomb.

Which was read and accepted, and sent to the House of Commons.

Mr. Etheridge presented the resignation of J. Forbes, a Justice of the Peace for the County of Currituck.

Which was read and accepted, and sent to the House of Commons.

Mr. Drake, from the Committee on Claims, to whom was referred the Resolution in favor of Arthur S. Mooring, Sheriff of Martin County, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Drake, from the Committee to whom was referred the Engrossed Resolution in favor of Leonard Ziglar, reported the same to the Senate without amendment, and recommended its adoption.

Which was read.

The Senate took up the unfinished business of yesterday, to-wit : the Bill entitled a Bill to amend an Act passed in 1831, to incorporate the Guilford Gold Mining Company.

The question was on the amendment of Mr. Boyden, to the amendment of Mr. Biggs.

Which was rejected.

Mr. Hargrave proposed as a substitute for Mr. Biggs' amendment, the following, to-wit:

Strike out all after the words "Be it further enacted," and insert the following: That in case of failure on the part of said corporation, the private or individual property of each Stockholder therein, shall be subject by law to the payment of his part of the debts of the corporation, after the property of the Company is first exhausted, in proportion to the amount of Stock severally owned and held by them at the time of such failure; and not otherwise.

Which was read.

Mr. Wilson asked a division of the question, *to strike out*, and demanded the Yeas and Nays; which was decided in the negative—22 Yeas to 24 Nays.

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Ennett,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,

Messrs. Joyner,
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Worth.—23.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)

Gwynn,
Hester,
Hill,

Tomlinson,
Walker,
Wilson.—24.

The question then was on the amendment of Mr. Biggs, which was decided in the affirmative—Yeas 26, Nays 21.

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Moody,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—26.

Those who voted in the negative, were

Messrs. Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave
Hellen,
Jefferson,
Joyner,

Messrs. Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—21.

On motion of Mr. Lindsay, the Bill was laid on the table.

The Bill, entitled a Bill more effectually to suppress the offence of trading with Slaves; the Bill, entitled a Bill to incorporate Cross Creek Lodge No. 4, of the Independent Order of Odd Fellows, in the town of Fayetteville; the Bill, entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Stat-

utes; the Bill, entitled a Bill to incorporate a Company of Cavalry in the town of Wilmington, New Hanover County; the Bill, entitled a Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes; the Bill, entitled a Bill to extend the provisions of an Act passed at the Session of the General Assembly of 1830-31, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk's Offices of said County; and also to extend the provisions of an Act passed at the Session of 1831-32, entitled an Act in addition to an Act passed at the last Session of the General Assembly of this State, in relation to the burning of the records of the County of Hertford, to the Counties of Montgomery and Stanly; and the Resolution in favor of William Stringer and Green Hill, were taken up, severally read the third time and passed, and were ordered to be engrossed.

The Senate then took up the engrossed Bill, entitled a Bill to cede a portion of the County of Rutherford to the County of Henderson; and the engrossed Bill, entitled a Bill to amend the Act incorporating the Trustees of Edenton Academy.

Which were severally read the second time and passed.

The Resolution in favor of Jno. L. Christian, Sheriff of Montgomery County, was taken up, read the third time and passed, and was ordered to be engrossed.

Received from the House of Commons a message, transmitting therein a communication from His Excellency the Governor, President of the Literary Board, together with a Report from said Board; which they propose to print.

Which was read and agreed to.

On motion of Mr. Francis,

Ordered, That a message be sent to the House of Commons, proposing to go into an election for seven Councillors of State, to-morrow at 12 o'clock.

Received from the House of Commons a message, transmitting a communication from Samuel F. Patterson, President of the Raleigh and Gaston Rail Road Company, together with a report from said Company, with a proposition to print it.

Which was read and concurred in.

Mr. Woodfin presented the memorial of the Board of Directors of the Petersburg Rail Road Company, praying the Legislature

to provide by law, that they may be allowed to retain their Bridge across the Roanoke, at Weldon, in its present state, so long as they shall faithfully continue to transport all produce, upon the request of the owner, from Weldon to the Bridge, and from the Bridge to Weldon, free of charge.

Which was, on motion of Mr. Woodfin, referred to the Committee on Internal Improvement.

Mr. Jeffreys presented the following Resolution :

Resolved, That the Public Treasurer be instructed to report to the Senate, the names of the obligors to the Bonds given to indemnify the State against any loss or damage that may come to the same, in consequence of the endorsement by the State of the Bonds of the Raleigh and Gaston Rail Road, for five hundred thousand dollars; the sum for which each obligor is liable, and also any information in the Treasury Department relative to the insolvency of any of said obligors; and if so, what obligors; and if any suits have been brought on any of said bonds, that he specify the same.

Which was read and adopted.

Mr. Waddell presented the following Resolution :

Resolved, That so much of the Message of His Excellency the Governor, as relates to the Revolutionary History of this State, be referred to a Select Committee.

Whereupon, the Speaker announced to the Senate that Messrs. Waddell, Cameron, Shepard, Wilson and Woodfin compose said Committee.

Mr. Shepard presented the petition of sundry citizens of Pasquotank County, praying the Legislature to grant them some aid in removing obstructions in Pasquotank river; which was read, and on his motion was referred to the Committee on Internal Improvement.

Mr. Woodfin presented a Bill, entitled a Bill to complete the public Road from Burnsville to the Tennessee line; which was read the first time and passed, and on his motion was referred to the Committee on Internal Improvement.

Mr. Joyner presented the following Resolution :

Resolved, That so much of the Governor's Message as relates to an Agricultural School, be referred to the Committee to whom has been referred so much of the Governor's Message as relates to an Agricultural, Geological, and Mineralogical Survey of the State.

Mr. Waddell presented to the Senate the following Resolution :

Resolved, That the Librarian of the State be instructed to inquire what would be the probable cost of having a new edition of Lawson's History of North Carolina published.

Which was read and adopted.

On motion of Mr. Dockery, the Senate adjourned until to-morrow morning ten o'clock.

SATURDAY, DECEMBER 7, 1844.

The Senate met according to adjournment.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to go into an election for Councillors of State to-day at 12 o'clock.

Received from the House of Commons the resignation of Joshua Patterson, a Justice of the Peace for the County of Surry; Thomas Lasater, a Justice of the Peace for the County of Chatham; and J. P. Clingman, a Justice of the Peace for the County of Surry.

Which were severally read and accepted.

The Speaker presented to the Senate the report of the Public Treasurer, relative to the amount of Stock held by the State, in incorporated Companies.

Which was read, and on motion of Mr. Biggs, ordered to lie on the table and be printed.

The Speaker presented to the Senate the Report of the Public Treasurer, showing the condition of the Bank of the State of North Carolina, on 23d ultimo.

Which was, on motion of Mr. Wilson, laid on the table, and ordered to be printed.

Mr. Drake, from the Committee on Claims, to whom was re-committed the Resolution in favor of Emily Perry, reported the same to the Senate, and recommended its rejection.

Which was read.

Mr. Drake, from the same Committee, to whom was referred the Resolution in favor of Arthur S. Mooring, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the engrossed Bill, entitled a Bill to amend the Revised Statutes concerning Executions, reported the same to the Senate without amendment, and recommended its passage.

Which was read, and on motion of Mr. Shepard, ordered to be printed.

Mr. Waddell, from the Joint Select Committee to whom was referred a Bill, entitled a Bill to change the location of the Court House of the County of Lincoln, and for other purposes, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Gavin presented a Bill, entitled a Bill to prevent the obstruction of fish passing up the creek called Six Runs, in the County of Sampson.

Which was read the first time and passed.

Mr. Elliott presented the following Resolution :

Resolved, That the Treasurer of the State be requested to lay before the Senate, a communication from the Hon. Edward Everett, American Minister to England, in relation to Colonial documents relative to North Carolina, now in the office of the Board of Trade, and other offices in London.

Which was read and adopted.

Mr. Francis presented the following Resolution :

Resolved, That the Committee on Finance be authorized and instructed to burn all the Treasury notes which may be in the Treasurer's Office, and report the amount to the General Assembly.

Which was read and adopted.

Mr. Tayloe presented a Bill, entitled a Bill to make compensation to the Jurors of Hyde County.

Which was read the first time and passed.

Mr. Boyd presented a Bill, entitled a Bill to re-assess the land of the State ; which was read the first time and passed, and on his

motion was referred to the Committee on the Judiciary, and ordered to be printed.

The Speaker announced to the Senate that Messrs. Halsey and Gwyn form the Committee on the part of the Senate, to superintend the election for seven Councillors of State; and the House of Commons was informed thereof by message.

The Senate took up the Resolution in favor of Arthur S. Moor-
ing, Sheriff of Martin County.

Which was read the second time.

Mr. Francis moved to amend it, by striking out seventy-four dollars and seventy-three cents, and inserting in lieu thereof, *the words* sixty-two dollars and seventy-four cents.

Upon this question, Mr. Albright demanded the Yeas and Nays,

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyd,
Boyden,
Dockery,
Elliott,
Exum,
Francis,
Halsey,
Hargrave,
Hellen,
McMillan,

Messrs. Moody,
Pharr,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of B.)
Thompson (of W.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jefferson,
Jeffreys,
Joyner,
Lindsay,
Melvin,
Pasteur,
Reich,
Tayloe,
Tomlinson,
Walker,
Wilson.—24.

There being an equal number of votes, the Speaker voted in the affirmative. Consequently the amendment was adopted.

The Resolution then passed as amended.

Mr. Waddell presented the following Resolution :

Resolved, That a message be sent to the House of Commons, proposing that a Committee of one on the part of the Senate, and two on the part of the House, be appointed to inform Wm. A. Graham of his election as Governor of North Carolina for two years from the first day of January next, and to ascertain from him when it will be convenient for him to appear before the two Houses of this General Assembly, and take the oaths of office.

Which was read and adopted.

On motion of Mr. Francis,

Ordered, That a message be sent to the House of Commons, proposing to set apart the afternoon of Saturday, the 21st inst. for recommending suitable persons for Justices of the Peace.

Received from the House of Commons a message, stating that the following gentlemen are in nomination for Councillors of State, viz : Messrs. Gabriel Holmes, of New Hanover, James Watt, of Rockingham, Henry Fitts, of Warren, Henry W. Connor, of Lincoln, Alexander W. Mebane, of Bertie, David Watson, of Chat-ham, and David Reid, of Cumberland ; Richard O. Britton, of Bertie, James W. Howard, of Jones, Dr. Willie Perry, of Franklin, Dr. Nathaniel Roane, of Caswell, Absalom Myers, of Anson, Josiah Cowles, of Surry, and James Lowry, of Buncombe.

Received from the House of Commons a message, stating that the hour agreed upon by the two Houses for the election of Councillors of State, having arrived, they will proceed to vote on return of the messenger ; and that Messrs. Harris and Beaman form their Committee to superintend said election.

The Senate then voted as follows :

FOR MR. BRITTON.

Messrs. Speaker,
Albright,
Bogle,

Messrs. Joyner,
Lindsay,
McMillan,

Boyden,
Cowper,
Dockery,
Elliott,
Francis
Halsey,
Hargrave,
Hellen,
Jefferson,

Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

FOR MR. HOWARD.

Messrs. Speaker,
Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,

Messrs. Joyner,
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

FOR MR. PERRY.

Messrs. Speaker,
Albright,
Bogle,
Boyden,
Cowper,
Francis,
Dockery,
Elliott,
Halsey,
Hargrave,
Hellen,
Jefferson,

Messrs. Joyner,
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

FOR MR. ROANE.

Messrs. Speaker,
Albright,

Messrs. Joyner,
Lindsay,

Bogle,
 Boyden,
 Cowper,
 Dockery,
 Elliott,
 Francis,
 Gwynn,
 Halsey,
 Hargrave,
 Hellen,
 Jefferson,

McMillan,
 Moody,
 Pharr,
 Shepard,
 Smith,
 Tayloe,
 Thompson, (of B.)
 Waddell,
 Woodfin,
 Worth.—25.

FOR MR. MYERS.

Messrs. Speaker,
 Albright,
 Bogle,
 Boyden,
 Cowper,
 Dockery,
 Elliott,
 Francis,
 Halsey,
 Hargrave,
 Hellen,
 Jefferson,

Messrs. Joyner,
 Lindsay,
 McMillan,
 Moody,
 Pharr,
 Shepard,
 Smith,
 Tayloe,
 Thompson, (of B.)
 Waddell,
 Woodfin,
 Worth.—24.

FOR MR. COWLES.

Messrs. Speaker,
 Albright,
 Bogle,
 Boyden,
 Cowper,
 Dockery,
 Elliott,
 Francis,
 Halsey,
 Hargrave,
 Hellen,
 Jefferson,

Messrs. Joyner,
 Lindsay,
 McMillan,
 Moody,
 Pharr,
 Shepard,
 Smith,
 Tayloe,
 Thompson, (of B.)
 Waddell,
 Woodfin,
 Worth.—24.

FOR MR. LOWRY.

Messrs. Speaker,
 Albright,

Messrs. Joyner,
 Lindsay,

Bogle,
 Boyden,
 Cowper,
 Dockery,
 Elliott,
 Francis,
 Halsey,
 Hargrave,
 Hellen,
 Jefferson,

McMillan,
 Moody,
 Pharr,
 Shepard,
 Smith,
 Tayloe,
 Thompson, (of B.)
 Waddell,
 Woodfin,
 Worth.—24.

FOR MR. HOLMES.

Messrs. Biggs,
 Boyd,
 Cameron,
 Drake,
 Eaton,
 Edwards,
 Ennett,
 Etheridge,
 Exum,
 Gavin,
 Gwynn,
 Hester,
 Hill,

Messrs. Holmes,
 Jeffreys,
 Pasteur,
 Melvin,
 Reich,
 Speight,
 Stallings,
 Stowe,
 Thompson, (of W.)
 Tomlinson,
 Walker,
 Wilson.—25.

FOR MR. WATT.

Messrs. Biggs,
 Boyd,
 Cameron,
 Drake,
 Eaton,
 Edwards,
 Ennett,
 Etheridge,
 Exum,
 Gavin,
 Hester,
 Hill,

Messrs. Holmes,
 Jeffreys,
 Melvin,
 Pasteur,
 Reich,
 Stowe,
 Speight,
 Stallings,
 Thompson, (of W.)
 Tomlinson,
 Walker,
 Wilson.—24.

FOR MR. FITTS.

Messrs. Biggs,

Messrs. Holmes,

Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

FOR MR. CONNOR.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

FOR MR. MEBANE.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

FOR MR. WATSON.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Exum,
Etheridge,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson,
Walker,
Wilson.—25.

FOR MR. REID.

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

Mr. Halsey, from the Joint Select Committee on the part of the Senate to superintend the election of Councillors of State, reported that Messrs. Britton, Howard, Perry, Myers, Cowles, Lowry and Roane, each having received a majority of the votes given, were duly elected.

In which report the Senate concurred.

The Senate took up the Engrossed Bill, entitled a Bill, to amend the 9th section of the Revised Statutes, entitled an Act concerning the Comptroller; and the Resolution in favor of Josiah Barnett.

Which were severally read the second time and passed.

The Engrossed Bill, entitled a Bill, to amend the Act incorporating the Trustees of Edenton Academy; and the Engrossed Bill, entitled a Bill, to cede a portion of Rutherford County to the County of Henderson, were taken up, read the third time and passed, and ordered to be enrolled.

The Senate then took up the Bill, entitled a Bill, to repeal an Act passed in 1828, so far as it extends to the County of Martin; and the Engrossed Resolution in favor of Leonard Ziglar.

Which were severally read the second time and passed.

On motion of Mr. Halsey, the Senate adjourned until Monday morning ten o'clock.

MONDAY, DEC. 9, 1844.

The Senate met according to adjournment.

Mr. Francis presented the petition of sundry citizens of Cherokee County, praying relief from the pressure under which they now labor, and asking to release the securities on Cherokee Bonds.

Which was read, and on his motion was referred to the Committee on Cherokee Bonds, &c.

Mr. Stallings presented the Pension Certificate of Anna Fanny, of the County of Gates.

Which was read, and on his motion was referred to the Committee on Claims.

Mr. Pasteur presented a Statement of the Merchant's Bank of Newbern, on Wednesday the 27th of November 1844.

Mr. Cameron presented the following Resolution:

Resolved, That the President of the Raleigh and Gaston Rail Road Company, be directed to furnish this House with a statement of the amount of Stock in said Company, owned by individuals in North Carolina; also the amount owned by persons in other States.

Which was read and adopted.

Mr. Drake, from the Committee on Claims to whom was referred the Resolution in favor of Wm. J. Lewis, for carrying a Writ of Election to the Sheriff of the County of Pitt, reported the same to the Senate, with the following amendment, to-wit:

Strike out in the third line the word *fifty*, and insert *eighteen*.

Which was read.

Mr. Worth presented a Bill, entitled a Bill, to amend an Act, entitled an Act, to change the location of the Court House of the County of Montgomery, and for other purposes, passed at the Session of the General Assembly 1842-3, Chapter 40.

Which was read the first time and passed.

Mr. Biggs presented a Bill, entitled a Bill, to transfer the Fund for Internal Improvement to the President and Directors of the Literary Fund of North Carolina.

Which was read the first time and passed, and on his motion was referred to the Committee on Finance.

Mr. Woodfin presented a Bill, entitled a Bill, to amend the Revised Statutes, entitled Courts of Equity.

Which was read the first time and passed, and on motion of Mr. Francis, was referred to the Committee on the Judiciary.

Mr. Cowper presented a Bill, entitled a Bill to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, Section 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the County of Hertford.

Which was read the first time and passed.

Received from the House of Commons a message, concurring in the proposition of the Senate to raise a Joint Select Committee to inform the Hon. Wm. A. Graham of his election to the office of Chief Magistrate, and to learn from him what time he will be ready to appear before this General Assembly to take the oaths of office; and stating that Messrs. Mills and Jones compose the Committee on their part.

Whereupon, the Speaker announced to the Senate that Mr. Wadell composed the Committee on the part of the Senate; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, therein transmitting to the Senate the Report of the Adjutant General, with a proposition to print.

Which was read and agreed to, and on motion of Mr. Wilson, was referred to the Committee on Military Affairs.

The Speaker presented to the Senate the Report of the Treasurer, relative to the names of the obligors of the bonds given to indemnify the State against any loss that may come to the same, in consequence of the endorsement by the State of the bonds of the Raleigh and Gaston Rail Road Company, for five hundred thousand dollars, and the sum for which each obligor is liable.

Which was read, and ordered to lie on the table.

Mr. Wilson presented the following Resolution:

Resolved, That His Excellency the Governor be requested to furnish a copy of the Mortgage taken to secure the State, from the President and Directors of the Raleigh and Gaston Rail Road Company, under the Act of 1838—9, and 1840—1; and also a copy of the bonds taken from individuals, under the Act of 1840.

Which was read and adopted.

The Speaker of the Senate presented the Report of the Treasurer, relative to Colonial Documents.

Which was read, and on motion of Mr. Elliott, referred to the Committee on Revolutionary History of North Carolina.

Received from the House of Commons a message, therein transmitting to the Senate a Message from His Excellency the Governor, transmitting to the Legislature the resignations of Justices of the Peace received by him since last Session.

Mr. Tayloe presented a Bill, entitled a Bill to alter the mode of appointing Constables in Beaufort County.

Which was read the first time and passed.

Mr. Woodfin presented a Bill, entitled a Bill to alter and amend the public road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancy County, to the State line; which was read the first time and passed, and on his motion was referred to the Committee on Internal Improvement.

Mr. Bogle presented a memorial of sundry citizens of the County of Wilkes, remonstrating against the erection of a new County by the name of Gaston; which was read, and on his motion referred to the Committee on Propositions and Grievances.

On motion of Mr. Thompson, (of W.)

Ordered, That Mr. Exum have leave of absence from the service of the Senate until Wednesday next.

Mr. Woodfin, from the minority of the Committee to whom

was referred the Bill providing for the removal of the Court House from Lincolnton, reported adversely thereto.

Which was read.

The Bill, entitled a Bill, making compensation to the Jurors of the County of Hyde, was taken up, read the second time and passed.

The Resolution in favor of Emily Perry, was taken up and read the second time, and rejected by the following vote,

Mr. Tomlinson demanding the Yeas and Nays.

Mr. Francis voted in the affirmative.

Those who voted in the negative, were

Messrs. Albright,

Biggs,

Bogle,

Boyd,

Cameron,

Cowper,

Dockery,

Drake,

Eaton,

Edwards,

Elliott,

Ennett,

Etheridge,

Gavin,

Gwynn,

Halsey,

Hargrave,

Hellen,

Hester,

Hill,

Holmes,

Jefferson,

Messrs. Jeffreys,

Joyner,

Lindsay,

Melvin,

McMillan,

Moody,

Pasteur,

Pharr,

Reich,

Shepard,

Smith,

Speight,

Stallings,

Tayloe,

Thompson, (of B.)

Thompson, (of W.)

Tomlinson,

Waddell,

Walker,

Wilson,

Woodfin,

Worth.—44.

The Senate took up the Bill, entitled a Bill, to change the location of the Court House of the County of Lincoln, and for other purposes.

Which was read the second time, and on motion of Mr. Cameron was made the order of the day for Thursday next.

The Resolution in favor of Arthur S. Mooring, Sheriff of Martin County ; and the Bill, entitled a Bill, to prevent the obstruction of Fish passing up the Creek called Six Runs, in the County of Sampson, were taken up, read the second time and passed.

The Senate then took up the Engrossed Resolution in favor of Leonard Ziglar.

Which was read the third time and passed, and ordered to be Enrolled.

Mr. Francis presented the following Preamble and Resolutions :

WHEREAS, the Senate has heard with regret, of the death of General Thomas Love, who was a Member of the Legislature of North Carolina for nearly half a century, and who after his removal to the State of Tennessee, was elected Speaker of the Senate in that State, and who has occupied many distinguished stations in the gift of this State :

Therefore be it Resolved, That as a mark of respect to the memory of General Thomas Love, the Senate do now adjourn until to-morrow morning ten o'clock.

Resolved, That a message be sent to the House of Commons, asking their concurrence in this tribute of respect to the memory of the deceased.

Resolved, That the Speaker be requested to forward a copy of these Resolutions to the surviving relatives of the deceased.

Which was read and adopted.

And the Senate adjourned accordingly.

TUESDAY, DEC. 10, 1844.

The Senate met according to adjournment.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred a Memorial of O. P. Earle and Churchwell

Morris, two of the Directors of the Howard Gap Turnpike Road Company, reported adversely thereto, and asked to be discharged from the further consideration of the subject.

The Committee was discharged accordingly.

Mr. Shepard, from the Committee to whom was referred so much of the Governor's Message as relates to Elections, reported the following Bill, entitled a Bill, to change the time for holding elections for Governor, Members of Congress, &c.

Which was read the first time and passed.

Mr. Pharr presented a Bill, entitled a Bill, to prevent the felling of Timber in the creeks and rivers within the County of Cabarrus.

Which was read the first time and passed, and on his motion was referred to the Committee on Propositions and Grievances.

Mr. Halsey presented the following Resolution:

Resolved, That the Governor and his successors in Office be authorized, and they are hereby required, to have placed at the Graves of all Members of the Legislature, that have been or hereafter may be interred in the City of Raleigh, (whose remains are not intended to be removed by their friends) a suitable pair of Grave-Stones, containing his name, age, and the County he represented. And that he draw upon the Treasury for the amount thereof, which amount shall be allowed the Treasurer in the settlement of his public accounts.

Which was read the first time and passed.

Mr. Francis presented the following Preamble and Resolution:

WHEREAS, by the thirteenth section of an Act of Congress, approved the 13th of June 1836, and entitled an Act to regulate the deposits of the public money, it was enacted that the money which should be in the Treasury of the United States on the first day of January 1837, reserving the sum of five millions of dollars, should be deposited with the several States, in proportion to their respective representation in the Senate and House of Representatives of the United States; and by the fourteenth section of the said Act, the said deposits were directed to be made as follows: one quarter part on the first of January 1837, or as soon thereafter as may be; one quarter part on the first day of April; one quarter part on the first day of July, and one quarter part on the first day of October of the same year:

AND WHEREAS, after the payment of the first three instalments, by

an Act of Congress in that behalf made, the payment of the remaining instalment was postponed, and has never yet been paid :

AND WHEREAS, it appears by a Report of the Public Treasurer of this State, that the Treasurer has borrowed of the Fund for Internal Improvement and the Literary Fund, the sum of seventy thousand, nine hundred and fifty-four dollars and ninety-seven cents, during the past fiscal year, in order to meet demands upon the Treasury of the State ; and also that the sum of two hundred and fifty thousand, six hundred and sixty dollars must be provided before the next Session of the General Assembly, in order to meet liabilities of the State beyond the usual expenditures for the support of the State Government :

AND WHEREAS, it appears by the Message of the President of the United States, to both Houses of Congress at their present Session, that there will be in the Treasury of the United States, at the end of the present fiscal year, a surplus beyond the current demands upon the revenue, of more than seven millions of dollars. And consequently, it appears that the necessities of the Government of the United States do not require a further postponement of the deposit of the said fourth instalment—the immediate payment of which is necessary so far as this State is concerned, to meet extraordinary demands upon her revenue, without recourse to additional taxes upon her people. Therefore,

Resolved, by the General Assembly of the State of North Carolina, That the Senators and Representatives in Congress from this State, be requested to use their utmost exertions to obtain the passage of an Act of Congress, or such other action of that body as may be proper and necessary to the speedy payment of the said fourth instalment.

Resolved, That His Excellency the Governor be requested to transmit copies of the above Preamble and Resolutions to the said Senators and Representatives, and to desire on the part of this General Assembly, that the same be laid before the two Houses of Congress.

Which was read, and on motion of Mr. Francis, ordered to be printed, and made the order of the day for Monday next.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill more effectually to prevent the imprisonment of Honest Debtors, reported the same to the Senate with sundry amendments ; which was read, and on his motion, was ordered to be printed as amended, and to lie on the table.

Mr. Bogle presented a Bill, entitled a Bill concerning costs.

Which was read the first time and passed, and on motion of Mr. Jeffreys was referred to the Committee on the Judiciary.

Mr. Tomlinson presented the resignation of Jesse Hinnant, a Justice of the Peace for the County of Johnston.

Which was read and accepted, and sent to the House of Commons.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to set apart the afternoon of Saturday, the 21st inst. for the appointment of Justices of the Peace.

Received from the House of Commons the resignation of H. Fowler, a Justice of the Peace for the County of Granville.

Which was read and accepted.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate:

A Bill to amend an Act for the better regulation of the town of Mocksville, in Davie County.

A bill to incorporate the town of Monroe, in the County of Union, and a Bill to keep open French Broad and Tennessee Rivers.

Said Bills were severally read the first time and passed.

The Resolution in favor of Arthur S. Mooring, Sheriff of Martin County, was taken up, read the third time and passed.

Mr. Hellen demanded the Yeas and Nays on the passage, which are as follows:

Those who voted in the affirmative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,
Ennett,
Etheridge,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,
Hill,
Holmes,
Jefferson,

Messrs. Jeffreys,
Joyner,
Lindsay,
Melvin,
Moody,
Pasteur,
Reich,
Shepard,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson.—36.

Those who voted in the negative, were

Messrs. Albright,
Boyden,
Dockery,
Elliott,
Francis,
Hellen,

Messrs. McMillan,
Pharr,
Smith,
Woodfin,
Worth.—11.

Ordered that said Bill be Engrossed.

Mr. Joyner presented a Bill, entitled a Bill, to authorize the Portsmouth and Roanoke Rail Road Company, to charge Tolls on their Bridge over Roanoke river, near the Town of Weldon.

Which was read the first time and passed, and on his motion was referred to the Committee on Internal Improvement.

Mr. Biggs presented a Bill, entitled a Bill, to amend the 75th section of the 102d chapter of the Revised Statutes, concerning Revenue.

Which was read the first time and passed, and on his motion was referred to the Committee on Finance.

The Senate took up the Engrossed Bill, entitled a Bill, to amend the 9th section of the Revised Statutes, entitled an Act concerning the Comptroller.

Which was read the third time and passed, and ordered to be Enrolled.

The Bill, entitled a Bill, to prevent the obstruction of Fish passing up the Creek called Six Runs, in the County of Sampson, was taken up and read the third time, and on motion of Mr. Boyden, amended by striking out the words "*free persons of color.*"

The Bill then passed as amended, and was ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, making compensation to the Jurors of the County of Hyde; and the Bill, entitled a Bill, to repeal an Act passed in 1828, so far as it extends to the County of Martin.

Which were severally read the third time and passed, and ordered to be Engrossed.

The Engrossed Resolution in favor of Josiah Barnett was taken up, read the third time and passed, and ordered to be Enrolled.

The Bill, entitled a Bill, to provide for a vacancy in the Office of County Surveyor;

The Bill, entitled a Bill, to amend an Act, entitled an Act, to

change the location of the Court-house of the County of Montgomery, &c.

The Bill, entitled a Bill, to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, chapter 89, section 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the County of Hertford;

Were taken up, severally read the second time and passed.

The Resolution in favor of Wm. J. Lewis was taken up, and on motion of Mr. Worth was laid on the table.

Mr. Jeffreys presented the following Resolution :

Resolved, That the Committee on the Library, be instructed to enquire into the expediency of abolishing the Office of Keeper of the Capitol, and of imposing the duties of said office on the Librarian, to keep the Library open at all times for the accommodation of the public.

Which was read and adopted.

On motion of Mr. Jefferson, the Resolution in favor of Wm. J. Lewis was taken up and read the second time; and on motion of Mr. Biggs, amended by inserting *twenty-four* instead of eighteen as recommended by the Committee on Claims.

The Resolution then passed as amended.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

WEDNESDAY, DECEMBER 11, 1844.

The Senate met according to adjournment.

The Speaker announced to the Senate that Messrs. Bogle and Boyd form the Committee on Enrolled Bills the present week; and the House of Commons was informed thereof by message.

Mr. Boyden, from the Joint Select Committee to which was referred the Bill, entitled a Bill to alter the division line between

the Counties of Lincoln and Catawba, reported the same to the Senate with the following amendment: In the first section, strike out all after the word "beginning," and insert, "at a point equidistant from Lincolnton and Newton, upon a right line from one place to another, and running due East and West from said point parallel to the present dividing line, until it reach Catawba river on the East, and the County line on the West."

Which was read.

Mr. Dockery presented the following Resolution:

Resolved, That the Committee on Finance have power to send for persons and papers, and administer oaths to any witnesses they may think necessary to examine, in any matter now pending before them.

Which was read and adopted.

The Bill, entitled a Bill to re-assess the land of the State was taken up, and on motion of Mr. Shepard, the Committee on the Judiciary was discharged from the consideration of the subject, and the Bill was referred to the Committee on Finance.

Mr. Francis presented a Bill, entitled a Bill to confirm a sale made by James W. Guinn, Agent for the State; which was read the first time and passed, and on his motion was referred to the Committee on Propositions and Grievances.

The engrossed Bill, entitled a Bill to amend the Revised Statutes concerning Executions, was taken up, and on motion of Mr. Joyner, was postponed until to-morrow.

Mr. Boyden, from the Committee on the Judiciary, to whom was referred the Bill, entitled a Bill to prohibit the levying of Executions upon growing crops, until said crops are matured, reported the same to the Senate with the following amendment: Strike out all after the word "any," in the fourth line of the first section, and insert "growing crop."

Which was read.

The Bill, entitled a Bill to change the time for holding the elections for Governor, Members of Congress, &c. was taken up and read the second time, and on motion of Mr. Boyden, postponed until Saturday next.

The Resolution relative to Grave-stones was taken up and read the second time and passed, and on motion of Mr. Halsey, the rule was suspended so as to read the Resolution a third time.

The Resolution was then read and passed, and was ordered to be engrossed.

The Senate then took up the engrossed Bill, entitled a Bill to keep open French Broad and Tennessee Rivers.

The Bill, entitled a Bill to incorporate the town of Monroe, in the County of Union.

And the Bill, entitled a Bill to amend an Act for the better regulation of the town of Mocksville, in Davie County.

Which were severally read the second time and passed.

The Bill, entitled a Bill to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, Section 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the County of Hertford, was taken up and read the third time.

On motion of Mr. Halsey, the County of Tyrrell was added.

And, on motion of Mr. Moody, the Bill was further amended, by adding the County of Northampton thereto.

The Bill then passed as amended, and was ordered to be Engrossed.

Mr. Worth, from the Committee to whom was referred the subject of bringing before Congress the re-building the Branch Mint at Charlotte, in this State, reported the following Resolutions:

Resolved, That our Senators and Representatives in Congress, be respectfully requested to urge upon their respective bodies, the expediency and necessity of making a sufficient appropriation, for re-building the Branch Mint at Charlotte in this State.

Resolved, That His Excellency the Governor, be respectfully requested to transmit to our Senators and Representatives in Congress, a copy of the foregoing Report and Resolutions.

Which was read the first time and passed.

The rule was suspended, so as to read the Resolutions a second time.

The Resolutions were then read.

Mr. Francis then moved to amend the first Resolution, by adding, after the word Charlotte, the words, "or at some convenient point in Western North Carolina."

Which amendment did not prevail.

The Resolutions then passed.

On motion of Mr. Walker, the Rules of the Senate were suspended, so as to read the Resolutions a third time.

The Resolutions were accordingly read, passed and ordered to be Engrossed.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the communication of His Excellency the Governor, on the subject of prosecuting defaulting officers in making returns of elections of President and Vice President of the United States, reported the following Bill, entitled a Bill, to amend an Act entitled an Act, to punish the defaults of returning officers in the election of Electors of President and Vice President of the United States.

Which was read the first time and passed.

Mr. Waddell, from the same Committee, to whom was referred a Bill to amend the 7th Section of the 45th Chapter of the Revised Statutes, and to repeal the Act of the General Assembly of 1840, entitled an Act in favor of Poor Debtors, reported the same to the Senate without amendment.

Which were read.

Mr. Waddell, from the same Committee, to whom was referred a Bill to prevent frauds in levying executions issued by a single magistrate upon lands, and to encourage and facilitate the practice of taking security for the forthcoming of property, seized under executions, reported the same to the Senate with sundry amendments.

Which were read.

Received from His Excellency the Governor, by his Secretary, Pryor Reynolds, a message, therein transmitting to the Senate, a copy of the Mortgage taken to secure the State, from the President and Directors of the Raleigh and Gaston Rail Road Company, under the Act of 1838-9, and 1840-1, and also a copy of the Bonds taken from individuals under the Act of 1840, &c.

Which was read and ordered to be printed, together with the accompanying documents marked A and E, and No. 3.

The Resolution in favor of Wm. J. Lewis

The Bill, entitled a Bill, to amend an Act, entitled an Act, to change the location of the Court-house of the County of Montgomery.

The Bill, entitled a Bill to alter the mode of appointing Constables in Beaufort County, and the Bill entitled a Bill to provide for a vacancy in the office of County Surveyor, were taken up and severally read the third time and passed, and ordered to be engrossed.

The Senate then took up the Resolution in favor of Arthur S. Mooring, Sheriff of Martin,

Which was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Dockery,

Ordered, That a message be sent to the House of Commons, asking their concurrence in the Resolution of the Senate, to authorize the Committee of Finance, to send for persons and papers, and to examine witnesses on oath in any matter now pending before them.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of four on the part of each House, to enquire into the insolvency of the Raleigh & Gaston Rail Road Company, according to the provisions of an Act of the General Assembly of 1840-1; and that they be instructed to report as soon as practicable.

Which was read and concurred in.

Whereupon, the Speaker announced to the Senate that Messrs. Shepard, Cameron, Boyden and Edwards form the Committee on the part of the Senate; and the House of Commons were informed thereof by message.

Mr. Tayloe presented a Bill, entitled a Bill, to authorize the Court of Pleas and Quarter Sessions of Beaufort County, to nominate and appoint special Justices of the Peace, and making compensation to such Justices for certain services.

Which was read the first time and passed.

On motion of Mr. Halsey, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, DEC. 12, 1844.

The Senate met according to adjournment.

Mr. Gwynn, from the Committee on Propositions and Grievances, to whom was referred a Resolution directing the Secretary of State to execute deeds to the purchasers or owners of certain

Tracts of Land therein specified, reported adversely thereto, and recommended its rejection.

Which was read.

Mr. Gwynn, from the same Committee, to whom was referred the Bill, entitled a Bill to confirm a sale made by James W. Guinn, late Agent for the State, reported the same to the Senate, and recommended its immediate passage;

Which was read.

The rule, on motion of Mr. Francis, was suspended.

The Bill was then read the second and third times and passed, and ordered to be engrossed.

Mr. Gwynn, from the same Committee, to whom was referred the Bill, entitled a Bill to prevent the selling of timber in the Creeks and Rivers within the County of Cabarrus, reported the same to the Senate, and recommended its passage.

Which was read.

Mr. Gwynn, from the same Committee, to whom was referred the Bill, entitled a Bill to erect a new County by the name of Gaston, reported the same to the Senate, and recommended its rejection.

Which was read, and on motion of Mr. Bogle, laid on the table.

Mr. Gwynn, from the same Committee, to whom was referred the memorial of George Southerlin, of Cherokee County, reported a Bill, entitled a Bill to lease a Silver Mine to George Southerlin the discoverer, and for other purposes.

Which was read the first time and passed.

The Speaker presented to the Senate the Report of the President of the Raleigh and Gaston Rail Road Company, relative to the amount of stock owned by individuals residing in this State; also the amount owned by persons residing in other States.

Which was read, and on motion of Mr. Edwards, laid on the table and ordered to be printed.

Mr. Joyner, from the Committee on Internal Improvements, to whom was referred the Bill, entitled a Bill to authorize the Portsmouth and Roanoke Rail Road Company to charge tolls on their Bridge over Roanoke river, near the town of Weldon, reported the same to the Senate without amendment, and recommended its passage.

Which was read.

Mr. Dockery, from the Committee on Finance, to whom was referred the Bill, entitled a Bill to amend the 75th Section of the

102d Chapter of the Revised Statutes, concerning revenue, reported the same to the Senate with sundry amendments.

Which was read.

Received from the House of Commons a message, stating that Messrs. Mebane, Cherry, Wilder, and Martin compose the Committee on their part, on the insolvency of the Raleigh and Gaston Rail Road Company.

Received from the House of Commons the resignation of the following Justices of the Peace: Robert Ward, Wm. J. Standley, and Jackson Powell, all for the County of Columbus.

Which were severally read and accepted.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate:

A Bill to amend the sections of the Revised Statutes concerning Clerks and Registers;

A Bill to extend the time for registering Grants, Mesne Conveyances, Powers of Attorney, Bills of Sale, and Deeds of Gift; Resolution in favor of Wm. T. Bain;

The Bill concerning the admissibility of evidence against the Sureties of Officers;

A Bill to annex part of Rutherford County to the County of McDowell;

And a Resolution in favor of Henry Addington;

Which were severally read the first time and passed.

The Senate then took up the Bill, entitled a Bill concerning Jury Trials,

Which was read the second time, and on motion of Mr. Shepard, amended by striking out all after the words "*law, as well as of fact.*"

The Bill was then, on motion of Mr. Waddell, laid on the table by the following vote,

Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,

Messrs. McMillan,
Moody,
Pharr,

Cowper,
Edwards,
Elliott,
Ennett,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner,
Lindsay,

Shepard,
Smith,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Waddell,
Walker,
Woodfin,
Worth.—27

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,

Messrs. Hill,
Holmes,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Tomlinson,
Wilson.—19.

Received from the House of Commons a message, therein transmitting to the Senate the communication of the Hon. Duncan Cameron, President of the Bank of the State, with accompanying papers, and proposing that the same be printed for the use of the two Houses.

Which was read and concurred in.

Received from His Excellency the Governor, by his Secretary, a communication, requesting that he may be permitted to correct an error in the printed copies of Mortgages given by the Raleigh and Gaston Rail Road Company, to secure the State against liabilities—transmitted by him on yesterday to the Senate.

Which was read and laid on the table.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

FRIDAY, DEC. 13, 1844.

The Senate met according to adjournment.

Mr. Dockery, from the Committee on Finance, made a report to the Senate.

Which was read.

On motion of Mr. Francis,

Ordered, That the Report with the accompanying documents, be sent to the House of Commons, with a proposition to print.

On motion of Mr. Elliott,

Ordered, That a message be sent to the House of Commons, proposing to go into an election of Comptroller, to-day at 12 o'clock.

And, on his motion, Wm. F. Collins was nominated for that appointment, and the House of Commons was informed thereof by message.

Mr. Eaton presented the following Resolution :

Resolved, That the Committee on the Judiciary, be instructed to enquire into the expediency, of so amending the Law relating to landlords and tenants, as to give more expeditious process to landlords for the removal of tenants holding over after the expiration of their term.

Which was read and adopted.

Mr. Halsey presented the following Resolution :

Resolved, That the Committee on Education and the Literary Fund be instructed to enquire into the expediency of having printed all the Acts of Assembly, relating to public Schools in this State, and the transmission of them to the Superintendants and School Committee men throughout the State.

Which was read and adopted.

Mr. Eaton presented to the Senate, the following Resolution :

Resolved, That the Committee on Finance, be instructed to enquire into the expediency of abolishing the Literary and Internal Improvement Boards, and that the powers of said Boards be vested in the officers of State, and the duties thereof required to be performed by them.

Which was read and adopted.

Mr. Francis presented the following Resolution :

Resolved, That the Committee on Finance, be instructed to enquire into the expediency of transferring the Clerk from the Treasury to the Comptroller's department. And also, of the propriety of repealing the Law requiring Books to be kept by the Treasurer, except a Cash book or Account. And also, the propriety of the Agent of Cherokee Lands filing duplicates of the receipts for the Cherokee Lands, in the Treasurer's and Comptroller's offices, as recommended by the Treasurer in his report to this General Assembly.

Which was read and adopted.

Mr. Cameron presented a Bill, entitled a Bill, to incorporate the Fayetteville Library Institute, in the Town of Fayetteville.

Which was read the first time and passed.

Mr. Boyden presented a Bill, entitled a Bill to alter the time of holding the Superior Courts in the Sixth Judicial Circuit, and to alter the time of holding the Courts of Pleas and Quarter Sessions, and to dispense with Juries at two terms of said Courts, in the several Counties in said Sixth Circuit.

Which was read the first time and passed.

Mr. Boyden presented a Bill, entitled a Bill to establish a uniform practice throughout the State, on suits upon Bonds, Bills and Promisory Notes.

Which was read the first time and passed.

The Senate then took up the unfinished business of yesterday, to-wit : a Bill, entitled a Bill, to change the location of the Court-house of the County of Lincoln, and for other purposes.

Which was read the second time, and on motion of Mr. Stowe was laid on the table.

The Engrossed Bill, entitled a Bill, to amend the Revised Statutes concerning Executions, was taken up and read the second time.

Pending the question, a message was received from the House of Commons, concurring in the proposition of the Senate to go into an election for Comptroller of Public Accounts, this day at 12 o'clock, and informing the Senate that the name of Thomas Jefferson is added to the nomination, and that Messrs. Hawkins and Davis form their branch of the Committee to superintend said election.

Whereupon, the Speaker announced to the Senate that Messrs. McMillan and Thompson, (of W.) constitute the Committee on

the part of the Senate, to superintend said election, and the House of Commons was informed thereof by message.

The Senate then voted as follows :

FOR MR. COLLINS.

Messrs. Speaker,
Albright,
Biggs,
Boyden,
Cameron,
Cowper,
Doekery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Exum,
Etheridge,
Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,

Messrs. Jeffreys,
Joyner,
Lindsay,
Melvin,
McMillan,
Moody,
Pasteur,
Pharr,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—44.

FOR MR. JEFFERSON.

Messrs. Bogle and Stowe.

The Senate then resumed the unfinished business of the day, to-wit: The Bill, entitled a Bill to amend the Revised Statutes concerning Executions.

Which was rejected by the following vote,

Mr. Joyner demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Dockery,	Messrs. Thompson, (of B.)
Jefferson,	Waddell,
Joyner,	Woodfin,
Smith,	Worth.—9.
Tayloe,	

Those who voted in the negative, were

Messrs. Albright,	Messrs. Hellen,
Biggs,	Hester,
Bogle,	Hill,
Boyd,	Jeffreys,
Boyden,	Lindsay,
Cameron,	Melvin,
Cowper,	McMillan,
Drake,	Moody,
Eaton,	Pasteur,
Edwards,	Pharr,
Elliott,	Reich,
Ennett,	Shepard,
Etheridge,	Speight,
Exum,	Stallings,
Francis,	Stowe,
Gavin,	Thompson, (of W.)
Gwynn,	Tomlinson,
Halsey,	Walker,
Hargrave,	Wilson.—38.

Mr. Thompson, (of W.) from the Committee on the part of the Senate, to superintend the election of Comptroller of Public Accounts, reported that Mr. Collins having received a majority of the votes given, is duly elected.

In which report the Senate concurred.

The Bill, entitled a Bill to prohibit the levying of executions upon growing crops, until said crops are matured, was taken up and read the second time, and amended and passed.

Mr. Stallings demanded the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Lindsay,
Biggs,	Melvin,

Bogle,
 Boyden,
 Cameron,
 Dockery,
 Eaton,
 Elliott,
 Ennett,
 Etheridge,
 Exum,
 Francis,
 Halsey,
 Hargrave,
 Hellen,
 Hester,
 Hill,
 Jefferson,
 Jeffreys,
 Joyner,

McMillan,
 Moody,
 Pasteur,
 Pharr,
 Reich,
 Smith,
 Speight,
 Stallings,
 Stowe,
 Tayloe,
 Thompson, (of B.)
 Thompson, (of W.)
 Waddell,
 Walker,
 Wilson,
 Woodfin,
 Worth.—39.

Those who voted in the negative, were

Messrs. Boyd,
 Cowper,
 Drake,
 Edwards,

Messrs. Gavin,
 Gwynn,
 Shepard,
 Tomlinson,—8.

The Bill, entitled a Bill to amend an Act, entitled an Act to punish the defaults of returning Officers, in the election of Electors for President and Vice President of the United States; and the Bill, entitled a Bill to authorize the Courts of Pleas and Quarter Sessions in Beaufort County to nominate and appoint special Justices of the Peace, and making compensation for such Justices for certain services, were taken up and read the second time and passed.

The Bill, entitled a Bill to alter the division line between the Counties of Lincoln and Catawba, was taken up, amended, and on motion of Mr. Boyden, ordered to lie on the table, and made the order of the day for to-morrow.

The Senate then took up the Bill, entitled a Bill to amend the 7th Section of the 45th Chapter of the Revised Statutes, and to repeal the Act of the General Assembly of 1840, entitled an Act in favor of Poor Debtors.

Which was read the second time and rejected by the following vote,

Mr. Boyden demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Francis,
Hellen,
Jefferson,

Messrs. McMillan,
Pharr,
Tayloe,
Thompson, (of B.)
Woodfin.—10.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Boyd,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,

Messrs. Hill,
Jeffreys,
Joyner,
Melvin,
Moody,
Pasteur,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Worth.—36.

On motion of Mr. Elliott, the Senate adjourned until to-morrow morning ten o'clock.

SATURDAY, DEC. 14, 1844.

The Senate met according to adjournment.

Mr. Joyner presented a memorial from sundry citizens of the County of Halifax, relative to runaway Slaves; which was, on his motion, referred to a Select Committee.

Mr. Boyd presented a petition from sundry citizens of the County of Rockingham, praying the Legislature to grant them two additional terms of the Superior Courts; which was read, and on his motion referred to the Committee on the Judiciary.

Mr. Tomlinson presented the resignation of Joel Clifton, a Justice of the Peace for the County of Johnston.

Which was read and accepted, and sent to the House of Commons.

Mr. Elliott presented the following Resolution :

Resolved, That the Committee on Education and the Literary Fund be instructed to revise and consolidate the Acts of Assembly in relation to Common Schools, and suggest such amendments as may appear necessary.

Which was read and adopted.

On motion of Mr. Jeffreys, the Report of the Treasurer relative to the names of the obligors of the bonds given to indemnify the State against any loss or damage that may come to the same, in consequence of the endorsement by the State of the bonds of the Raleigh and Gaston Rail Road Company, for five hundred thousand dollars, was taken up, and on his motion was ordered to be printed.

Mr. Cowper presented a Bill, entitled a Bill compelling the Clerks of the County and Superior Courts to issue executions within a certain time after the rise of their respective Courts.

Which was read the first time and passed.

Mr. Eaton presented the following Resolution :

Resolved, That the Governor be requested to lay before the Senate a statement of the expenses of the Literary and Internal Improvement Boards, from the first of November 1842, to the first of November 1844; to whom paid, and for what—together with a statement of the contingent and incidental expenses of all kinds which have been incurred in reclaiming the Swamp Lands; to whom paid, and for what.

Which was read and adopted.

Received from the House of Commons a message, stating that they have postponed until the 4th of March next, the engrossed Bill, entitled a Bill to amend the 29th Section of the 31st Chapter of the Revised Statutes.

Received from the House of Commons the resignation of B. Gordon, a Justice of the Peace for the County of Guilford.

Which was read and accepted.

Received from the House of Commons a message, therein transmitting to the Senate the message of His Excellency the Governor, with accompanying papers and reports, with a proposition that the same be printed for the use of the two Houses.

Which was read and agreed to.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate :

A Bill to authorize Samuel Chunn to establish a toll bridge on French Broad river, in the County of Buncombe ;

A Bill, authorizing the County Court of Lincoln County to exercise exclusive jurisdiction over the public road which is the dividing line between the Counties of Lincoln and Catawba ;

A Bill in relation to the forms of criminal pleading ;

A Resolution in favor of James C. Turrentine ;

A Resolution in favor of Wm. Dills ;

A Bill to establish a public road in Buncombe ;

A Bill concerning final process in the action of Detinue ;

A Resolution relating to Smithville, in Brunswick County ;

A Bill to incorporate the town of Marion in the County of McDowell, and to appoint Commissioners for the same.

Said Bills and Resolutions were severally read the first time and passed ; and the Bill, entitled a Bill on forms of Criminal pleading was, on motion of Mr. Biggs, referred to the Committee on the Judiciary.

Mr. Boyden presented a Bill, entitled a Bill in favor of Poor Debtors,

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill granting to the Superior Courts of the Counties of Yancy, Buncombe, Henderson, Haywood, Macon and Cherokee, original and exclusive jurisdiction in all cases where the intervention of a Jury may be necessary—in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed, and on motion of Mr. Biggs, referred to the Committee on the Judiciary.

Mr. Shepard presented a Bill, entitled a Bill to amend an Act passed Jan. 1841, entitled an Act to secure the State against any and every liability incurred from the Raleigh and Gaston Rail Road Company, and for the relief of the same.

Which was read the first time and passed, and on motion of Mr. Waddell ordered to be printed, and made the order of the day for Tuesday next.

Received from the House of Commons a message, transmitting to the Senate the report of the Joint Select Committee raised to enquire into the insolvency of the Raleigh and Gaston Rail Road Company, and proposing that the same be printed,

Which was read and agreed to.

On motion of Mr. Stowe, the Bill entitled a Bill to change the location of the Court House of the County of Lincoln, and for other purposes, was taken up and read the second time.

Mr. Boyden moved to amend the Bill, by striking out all after the enacting clause, and insert all the bill after the enacting clause, entitled a Bill to change the division line between the Counties of Lincoln and Catawba.

Mr. Francis called for a division of the question (that is) to strike out.

Upon this question, Mr. Walker demand the Yeas and Nays,

Those who voted in the affirmative, were

Messrs. Albright,
Boyden,
Cameron,
Dockery,
Edwards,
Elliott,
Halsey,
Hargrave,
Hellen,
Jefferson,

Messrs. Joyner,
Lindsay,
Moody,
Pasteur,
Pharr,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin.—20.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,

Messrs. Hill,
Jeffreys,
Melvin,

Cowper,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Hester,

McMillan,
Reich,
Shepard,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Walker,
Wilson,
Worth.—26.

The Bill then passed the second time.

Received from the House of Commons a message, transmitting to the Senate a message from His Excellency the Governor, and the report of the Trustees of the University.

Which was read, and on motion of Mr. Waddell was ordered to be printed.

The House of Commons proposes to go into an election on Monday next at 12 o'clock, for four Trustees of the University, and informs the Senate that the following gentlemen are in nomination for that appointment :

Nicholas L. Williams, David F. Caldwell, William W. Cherry, Richmond M. Pearson, Thomas G. Stone, Alexander Little, Robert Strange, Calvin Graves, Edward Stanly, Joseph J. Daniel, James D. Leak, Wm. H. Washington, and Michael Francis.

Which was read and concurred in.

Mr. Ennett presented the following Resolution :

Resolved, That the Public Treasurer be authorized to pay John A. Averitt, Sheriff of Onslow County, Two Hundred Dollars, being the amount of a fine incurred by said Sheriff, under the seventy-first section of the Revised Statutes, chapter 102, in failing to deliver to the Comptroller, a copy of the list of Taxes, received from Merchants, Pedlars, Retailers, &c. and the same be allowed him in the settlement of his public accounts.

Which was read the first time and passed, and on his motion was referred to the Committee on Claims.

On motion of Mr. McMillan, the Senate adjourned until Monday morning ten o'clock.

MONDAY, DEC. 16, 1844.

The Senate met according to adjournment.

On motion of Mr. Halsey, Mr. Joiner, the Senator elect from the County of Pitt, appeared, produced his credentials, was qualified before the House and took his seat.

The Speaker announced to the Senate, that Messrs. Joyner, (of H.) Joiner, (of P.) Smith, and Tomlinson, compose the Committee on the petition relative to runaway Slaves.

The Speaker announced to the Senate, that Messrs. Cowper and Drake compose the Committee on Enrolled Bills the present week.

The Speaker announced to the Senate, that Messrs. Thompson, (of B.) and Jeffreys, compose the Committee on the part of the Senate, to superintend the election for four Trustees of the University, and the House of Commons was informed thereof by message.

On motion of Mr. Jefferson, W. W. Avery; on motion of Mr. Waddell, Cadwallader Jones; and on motion of Mr. Boyden, Richard S. Mason and Alexander Wilson, were added to the nomination for Trustees of the University, and the House of Commons was informed thereof by message.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the enquiry as to the propriety of establishing an 8th Judicial Circuit for the State, reported a Bill, entitled a Bill to amend the 31st Chapter of the Revised Statutes, entitled an Act concerning Courts of Justice, Practice, Pleas and Process.

Which was read the first time and passed.

Mr. Waddell, from the same Committee, to whom was referred a Bill, entitled a Bill, concerning Costs, reported the same to the Senate without amendment.

Which was read.

Mr. Jeffreys presented the following Resolution:

Resolved, That the Public Treasurer be requested to report to the Senate the amount of money deposited with North Carolina by the General Government, under the Deposit Act of Congress of 1836.—Also, what has been done with the said deposit money by the State, —to what purposes the profits of said funds are applied, and what will be North Carolina's distributive share of the fourth instalment.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. Caldwell, Calloway, Collins, and Cunningham, form the Committee on their part the present week, on Enrolled Bills.

Mr. Halsey presented the following Resolution :

Resolved, That a message be sent to the House of Commons, proposing that the two Houses adjourn *sine die* on Monday, the 6th January next.

Which was read.

Mr. Moody moved to amend the Resolution by striking out the words, the 6th January next, and inserting the words, the 24th instant.

Which was agreed to.

The Resolution was then, on motion of Mr. Albright, laid on the table, by the following vote,

Mr. Moody demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,

Bogle,

Boyd,

Boyden,

Cameron,

Cowper,

Dockery,

Drake,

Edwards,

Elliott,

Ennett,

Etheridge,

Francis,

Gavin,

Gwynn,

Hellen,

Hester,

Messrs. Hill,

Jefferson,

Jeffreys,

Joyner, (of H.)

Joiner, (of P.)

Lindsay,

Pharr,

Reich,

Smith,

Stallings,

Stowe,

Taylor,

Thompson, (of W.)

Tomlinson,

Waddell,

Walker,

Worth.—35.

Those who voted in the negative, were

Messrs. Exum,

Halsey,

Messrs. Pasteur,

Shepard,

Hargrave,
Melvin,
McMillan,
Moody,

Speight,
Thompson, (of B.)
Wilson.—11.

Mr. Tayloe presented the following Resolution :

Resolved, That a message be sent to the House of Commons, proposing that a Joint Select Committee of two on the part of each House be raised, for the purpose of examining the state of the furniture in the residence of the Governor, and ascertain what addition or repairs be necessary thereto ; and have leave to report by resolution or otherwise.

Which was read and adopted.

The Resolution requesting the payment by the General Government of the fourth instalment due under the Deposit Act, was taken up and read the second time, and on motion of Mr. Jeffreys was laid on the table, and made the order of the day for Thursday next,

Mr. Francis demanding the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Drake,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,
Jefferson,
Jeffreys,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Wilson.—33.

Those who voted in the negative, were

Messrs. Albright,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,

Messrs. Hellen,
Lindsay,
Moody,
Tayloe,
Thompson, (of B.)
Worth.—12.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell, in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed.

The engrossed Resolution in favor of James C. Turrentine was taken up and read the second and third times, and ordered to be enrolled.

The Senate took up the Bill, entitled a Bill to lease a Silver Mine to George Southerlin, the discoverer, and for other purposes.

Which was read the second time, amended and passed.

The Bill, entitled a Bill to prevent frauds in levying executions issued by a single Magistrate, upon Bonds, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under executions, was taken up and read the second time, amended and passed.

The Senate then took up the Bill, entitled a Bill to prevent the felling of timber in the Creeks and Rivers within the County of Cabarrus.

Which was read the second time and passed.

Received from the House of Commons a message, stating that Messrs. Strange and Stanly are withdrawn from the nomination of candidates for the appointment of Trustees of the University.

Received from the House of Commons a message, stating that the hour of twelve having arrived, they will proceed under the Joint Rule, to vote for four Trustees of the University; and that the names of Messrs. Daniel and Little are withdrawn from the nomination; and that Messrs. Bridgers and Payne, of Davidson, form their Committee to superintend said election.

The Senate then voted as follows:

FOR MR. CHERRY.

Messrs. Albright,
Biggs,
Cowper,
Edwards,
Gavin,
Halsey,
Hellen,
Joyner, (of H.)
Joiner, (of P.)
Lindsay,

Messrs. Moody,
Pharr,
Shepard,
Speight,
Tayloe,
Thompson, (of B.)
Wilson,
Woodfin,
Worth.—19.

FOR MR. WASHINGTON.

Messrs. Speaker,
Cowper,
Exum,
Francis,
Hellen,

Messrs. Joiner, (of P.)
Moody,
Pasteur,
Tayloe,
Thompson, (of B.)—10.

FOR MR. MASON.

Messrs. Boyden,
Cameron,
Cowper,
Halsey,
Joyner, (of H.)
McMillan,

Messrs. Pasteur,
Reich,
Shepard,
Thompson, (of B.)
Waddell,
Wilson.—12.

FOR MR. WILSON.

Messrs. Albright,
Boyd,
Boyden,
Dockery,
Elliott,
Gwynn,
Halsey,
Hargrave,

Messrs. Jefferson,
Joyner, (of H.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Thompson, (of B.)—16.

FOR MR. JONES.

Messrs. Albright,
Cameron,
Cowper,
Drake,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Halsey,
Hargrave,
Hester,
Hill,
Jeffreys,

Messrs. Joyner, (of H.)
Lindsay,
Melvin,
McMillan,
Moody,
Reich,
Shepard,
Smith,
Stallings,
Tayloe,
Tomlinson,
Waddell,
Walker,
Worth.—28.

FOR MR. WILLIAMS.

Messrs. Speaker,
Bogle,
Boyden,
Dockery,
Hargrave,

Messrs. Jefferson,
McMillan,
Waddell,
Worth.—9.

FOR MR. CALDWELL.

Messrs. Speaker,
Bogle,
Francis,

Messrs. Hellen,
Waddell.—5.

FOR MR. PEARSON.

Messrs. Boyden,
Elliott,
Francis,
Lindsay,

Messrs. Smith,
Woodfin,
Worth.—7.

FOR MR. STONE.

Messrs. Biggs,
Boyd,

Messrs. Hill,
Jeffreys,

Cameron,
Drake,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Hester,

Joiner, (of P.)
Melvin,
Pasteur,
Reich,
Speight,
Stowe,
Thompson (of W.)
Tomlinson,
Wilson.—22.

FOR MR. GRAVES.

Messrs. Biggs,
Boyd,
Dockery,
Drake,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,

Messrs. Hill,
Jefferson,
Jeffreys,
Melvin,
Pharr,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker.—25.

FOR MR. FRANCIS.

Messrs. Bogle,
Dockery,
Hellen,
Joiner, (of P.)
Moody,
Pharr,
Smith,

Messrs. Stallings,
Stowe,
Tayloe,
Thompson, (of W.)
Walker,
Wilson,
Woodfin.—14

FOR MR. AVERY.

Messrs. Speaker,
Biggs,
Bogle,

Messrs. Hill,
Jefferson,
Jeffreys,

Boyd,
Cameron,
Drake,
Edwards,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,

Melvin,
Pasteur,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Woodfin.—25.

The Senate took up the Bill, entitled a Bill to amend the 75th Section of the 102d Chapter of the Revised Statutes, concerning Revenue.

Which was read the second time and passed.

Received from the House of Commons a message, proposing to the Senate to go into an election for Treasurer of the State, tomorrow at 12 o'clock; and that the name of Mr. Charles L. Hinton is in nomination for that appointment.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Elliott and Biggs form the Committee on the part of the Senate, to superintend said election; and the House of Commons was informed thereof by message.

Mr. Thompson, (of B.) from the Committee on the part of the Senate, to superintend the election of four Trustees for the University, reported that Messrs. Cherry, Washington, and Graves, each having received a majority of the votes given are duly elected; and that no other person had received a majority of the votes given.

In which report the Senate concurred.

On motion of Mr. Elliott,

Ordered, That a message be sent to the House of Commons, proposing to go into an election, immediately, for one Trustee for the University.

On motion of Mr. Boyden, the names of Messrs. Wilson and Mason were withdrawn from the nomination for Trustees of the University; and the House of Commons was informed thereof by message.

Mr. Moody presented a Bill, entitled a Bill to amend the 75th Section of the 34th Chapter of the Revised Statutes.

Which was read the first time and passed.

The Bill, entitled a Bill more effectually to prevent the imprisonment of Honest Debtors, was taken up and read the second time, amended, and passed by the following vote,

Mr. Halsey demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,

Bogle,

Boyden,

Cameron,

Drake,

Edwards,

Ennett,

Etheridge,

Francis,

Halsey,

Hargrave,

Hellen,

Bill,

Messrs. Jefferson,

Jeffreys,

Lindsay,

McMillan,

Moody,

Pharr,

Speight,

Stowe,

Taylor,

Thompson, (of B.)

Thompson, (of W.)

Waddell,

Wilson,

Woodfin.—28.

Those who voted in the negative, were

Messrs. Boyd,

Cowper,

Dockery,

Elliott,

Exum,

Gavin,

Gwynn,

Hester,

Joyner, (of H.)

Messrs. Joiner, (of P.)

Melvin,

Pasteur,

Shepard,

Smith,

Stallings,

Tomlinson,

Walker,

Worth.—18.

The Bill, entitled a Bill to alter the division line between the Counties of Lincoln and Catawba, was taken up, and on motion of Mr. Boyden, laid on the table.

The Senate then took up the Bill, entitled a Bill to change the time of holding the elections for Governor, Members of Congress, &c.

Which was read the second time.

Mr. Shepard moved to amend the Bill, by striking out the words, the last Thursday in April, and inserting in lieu thereof, the words, first Thursday of July.

Which motion prevailed.

On motion of Mr. Elliott, the Bill was further amended by adding the following as an additional section :

Be it further enacted, That the Clerks and Sheriffs elected at the time prescribed in this act, shall, at the terms of their respective Courts, at which Clerks and Sheriffs have entered into bonds and the oaths of office, before the passage of this act, execute and tender to said Courts, the bonds, and take the oaths prescribed by law ; at which Courts their respective terms of office shall commence.

The Bill was then rejected by the following vote,
Mr. Stallings demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Boyden,	Lindsay,
Cowper,	McMillan,
Edwards,	Moody,
Elliott,	Shepard,
Francis,	Talloe,
Halsey,	Thompson, (of B.)
Hellen,	Waddell,
Jefferson,	Woodfin,
Joyner, (of H.)	Werth.—18.

Those who voted in the negative, were

Messrs. Albright,	Messrs. Jeffreys,
Biggs,	Joiner, (of P.)
Bogle,	Melvin,
Boyd,	Pasteur,
Cameron,	Pharr,
Doekery,	Reich,
Drake,	Smith,
Ennett,	Speight,
Etheridge,	Stallings,
Exum,	Stowe,
Gavin,	Thompson, (of W.)

Gwynn,
Hargrave,
Hester,
Hill,

Tomlinson,
Walker,
Wilson.—29.

On motion of Mr. Tomlinson, the Senate adjourned until tomorrow morning ten o'clock.

TUESDAY, DECEMBER 17, 1844.

The Senate met according to adjournment.

The Speaker presented to the Senate a communication from the Public Treasurer, relative to the amount of money deposited with North Carolina by the General Government, under the Deposit Act of Congress of 1836.

Which was read, and on motion of Mr. Shepard, ordered to be printed.

Mr. Cameron presented a memorial from sundry citizens of the town of Fayetteville and County of Cumberland, praying the Legislature to emancipate the slaves, Joel Payne, his wife Patsy, and five children; which was read, and on his motion, referred to the Committee on Propositions and Grievances.

Mr. Drake, from the Committee on Claims, to whom was referred the petition of Anna Fanny, reported adversely thereto.

Which was read and rejected.

Mr. Cameron presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of four on the part of each House, to enquire whether it would not be proper for the present General Assembly to make some public manifestation of respect for the

memory of the late WILLIAM GASTON : and if so, to enquire further what means should be adopted for the purpose of testifying the high and abiding veneration in which the exalted virtues and talents of the deceased are held by the citizens of the State.

Which was read and adopted.

Mr. Waddell presented the following Resolution :

Resolved, That the Secretary of State be directed to issue to the heirs of David Ivey, a Military Land Warrant for one thousand acres of land, for services rendered by the said David Ivey, as a non-commissioned officer in the Continental line of North Carolina, during the Revolution.

Which was read, and on his motion referred to the Committee on Claims.

Mr. Stallings presented the following Resolution :

Resolved, That the Public Treasurer pay to Anna Fanny the sum of seventy-five dollars, it having been satisfactorily shewn to the General Assembly that she is the widow of John Fanny, a soldier of the Revolution, and a citizen of this State ; and having obtained the necessary certificate from the Court of Pleas and Quarter Sessions from Gates County, of the necessity of said widow requiring such relief.

Which was read the first time and passed.

Mr. Francis, from the Committee to whom was referred the Certificate presented by the Senator from Onslow, on Monday, the 18th of November, as well as the Certificate subsequently presented by him, reported the following Resolutions :

Resolved, That the Certificate of the Senator from Onslow, and by him introduced to the Senate as genuine, the first day of the Session, is a forgery.

Resolved, further, That inasmuch as no evidence has been offered before the Committee, to implicate any other person in the transaction; that the Senator himself has either been guilty of the forgery, or procured it to be done, or was aware at least, that it was not genuine ; and therefore practising a fraud upon the Senate, and ought to be expelled.

Resolved, That for the reasons aforesaid, the Senator from Onslow be, and is hereby expelled from the Senate, and his seat therein vacated.

Which were read, and on motion of Mr. Wilson, ordered to lie on the table, and be printed.

Received from the House of Commons a message, stating that they have passed the engrossed Bill to prevent betting on elections, in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed.

Received from the House of Commons a message, proposing to go into an election forthwith, for one Trustee of the University.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Thompson, (of B.) and Jeffreys compose the Committee on the part of the Senate, to superintend said election; and the House of Commons was informed thereof by message.

On motion of Mr. Boyden, the name of Mr. Francis was withdrawn from the nomination for Trustee of the University.

Received from the House of Commons a message, stating that Messrs. Miller and N. L. Williamson form their Committee to superintend the election of Trustee for the University; and that they will proceed to vote on return of the messenger.

The Senate then voted as follows :

FOR MR. AVERY.

Messrs. Speaker,
Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,

Messrs. Hill,
Jefferson,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

FOR MR. WILLIAMS.

Messrs. Albright,
Boyden,
Cowper,
Dockery,

Messrs. McMillan,
Moody,
Pharr,
Smith,

Hargrave,
Hellen,
Lindsay,

Tayloe,
Thompson, (of B.)
Worth.—14.

FOR MR. STONE.

Messrs. Hester,
Jeffreys,

Mr. Joiner, (of P.)—3.

Mr. Woodfin voting for Mr. Pearson.

FOR MR. JONES.

Messrs. Edwards,
Elliott,
Gwynn,

Messrs. Joyner, (of H.)
Shepard,
Waddell.—6.

The Senate then proceeded to take up the order of the day, to-wit: a Bill, entitled a Bill, to amend an Act passed January 1841, entitled an Act, to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same.

Which was read the second time.

Pending the question, a message was received from the House of Commons, stating that the hour of twelve having arrived, they will proceed to vote for Public Treasurer, agreeably to the joint order of the two Houses, and further stating, that Messrs. Poin-dexter and Ellis form their branch of the Committee to superintend said election, and that they will vote on return of the messenger.

The Senate then voted as follows :

FOR MR. HINTON.

Messrs. Speaker,
Albright,
Bogle,

Messrs. Joiner, (of P.)
Lindsay,
McMillan,

Boyden,
 Cowper,
 Dockery,
 Elliott,
 Francis,
 Halsey,
 Hargrave,
 Hellen,
 Joyner, (of H.)

Moody,
 Pharr,
 Shepard,
 Smith,
 Tayloe,
 Thompson, (of B.)
 Waddell,
 Woodfin,
 Worth.—24.

FOR MR. WHEELER.

Messrs. Biggs,
 Boyd,
 Cameron,
 Drake,
 Eaton,
 Edwards,
 Ennett,
 Etheridge,
 Exum,
 Gavin,
 Gwynn,
 Hester,

Messrs. Hill,
 Jeffreys,
 Melvin,
 Pasteur,
 Reich,
 Speight,
 Stallings,
 Stowe,
 Thompson, (of W.)
 Tomlinson,
 Walker,
 Wilson.—24.

Mr. Jefferson voting for Mr. Stedman.

The Senate resumed the unfinished business, to-wit: the Bill to amend an Act, passed January 1841, entitled an Act, to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same.

Mr. Woodfin moved to amend the Bill, by inserting after the word "same," in the fifth line of the preamble, the words, "was so drawn."

Which was rejected.

Mr. Francis then moved to amend the Bill by striking out the second section thereof.

Pending the question, Mr. Edwards moved that the Senate adjourn until to-morrow morning ten o'clock.

Which motion prevailed by the following vote,

Mr. Moody demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,

Bogle,

Boyden,

Cameron,

Dockery,

Drake,

Eaton,

Edwards,

Elliott,

Ennett,

Etheridge,

Exum,

Francis,

Gavin,

Halsey,

Hargrave,

Messrs. Hellen,

Hester,

Hill,

Jefferson,

Jeffreys,

Joyner, (of H.)

Joiner, (of P.)

Lindsay,

McMillan,

Pharr,

Reich,

Smith,

Speight,

Thompson, (of W.)

Waddell,

Woodfin,

Worth.—34.

Those who voted in the negative, were

Messrs. Boyd,

Cowper,

Gwynn,

Melvin,

Moody,

Pasteur,

Shepard,

Messrs. Stallings,

Stowe,

Taylor,

Thompson, (of B.)

Tomlinson,

Walker,

Wilson.—14.

WEDNESDAY, DECEMBER 18, 1844.

The Senate met according to adjournment.

Received from the House of Commons a message, concurring in the proposition of the Senate, to raise a Joint Select Committee of

two on the part of each House, for the purpose of examining the state of Furniture in the residence of the Governor, and ascertain what additions and repairs be necessary thereto, and that Messrs. Ellis and Faucette form the Committee on their part.

Whereupon, the Speaker announced to the Senate, that Messrs. Tayloe and Biggs form the Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, proposing to raise a Joint Select Committee of four on the part of each House, whose duty it shall be to make suitable arrangements for the reception of His Excellency, W. A. Graham, on the first day of January, to take the oaths of office before the General Assembly.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate, that Messrs. Shepard, Cameron, Joyner, (of H.) and Gwynn, form the Committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Elliott, from the Committee on the part of the Senate to superintend the election for Treasurer of State, reported that Mr. Hinton having received a majority of the whole number of votes given, was duly elected, in which report the Senate concurred.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred so much of the Governor's message, as relates to the Raleigh and Gaston Rail Road, reported that they asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Thompson, (of B.) from the Committee on the part of the Senate to superintend the election of one Trustee for the University, reported that no person in nomination having received a majority of the votes given, there is no election.

In which report the Senate concurred.

Mr. Woodfin, from the Joint Select Committee on Cherokee Bonds and Lands, to whom was referred the memorial of the citizens of Cherokee County, reported a Bill, entitled a Bill, more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

Which was read the first time and passed, and on motion of Mr. Woodfin, ordered to be printed, and made the order of the day for Monday next.

Mr. Dockery, from the Committee on Finance, to whom was referred a Bill to re assess the lands of the State, reported the same to the Senate.

Which was read.

Mr. Drake, from the Committee on Claims, to whom was referred the Resolution in favor of Jno. A. Averitt, Sheriff of Onslow County, reported the same to the Senate, and recommended its adoption.

Which was read.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill, entitled a Bill to amend the Revised Statutes entitled Courts of Equity, reported the same to the Senate; which was read, and on his motion was ordered to be printed.

Mr. Waddell, from the same Committee, to whom was referred a Bill to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, Buncombe, Henderson, Haywood, Macon and Cherokee, in all cases where the intervention of a Jury may be necessary, reported the same to the Senate, and recommended its passage.

Which was read.

Mr. Jefferson, from the Committee on Private Bills, to whom was referred a Bill to incorporate the North Carolina Mining, Manufacturing and Land Association, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Received from the House of Commons a message, proposing to go immediately into an election for one Trustee of the University, and informing the Senate that the names of Messrs. Pearson, David F. Caldwell, and Avery are withdrawn from the nomination.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Lindsay and Speight form the Committee on the part of the Senate, to superintend said election; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that Messrs. Puryear and Kelly form their branch of the Committee to superintend the election of Trustee of the University; and they will commence voting on return of the messenger.

The Senate then voted as follows:

FOR MR. STONE.

Messrs. Boyd,
Ennett,

Messrs. Jeffreys,
Joiner, (of P.)

Etheridge,
Exum,
Hester,
Hill,

Reich,
Speight,
Walker.—11.

FOR MR. JONES.

Messrs. Biggs,
Cameron,
Drake,
Eaton,
Edwards,
Elliott,
Gavin,
Gwynn,
Hargrave,
Holmes,
Joyner, (of H.)

Messrs. Melvin,
Pasteur,
Shepard,
Smith,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Wilson.—21.

FOR MR. WILLIAMS.

Messrs. Speaker,
Alhright,
Bogle,
Boyden,
Cowper,
Duckery,
Francis,
Halsey,
Hellen,

Messrs. Jefferson,
Lindsay,
McMillan,
Moody,
Pharr,
Tayloe,
Thompson, (of B.)
Woodfin.—17.

Mr. Speight, from the Committee on the part of the Senate, to superintend the election of one Trustee for the University, reported that Mr. Williams, having received a majority of the votes given, is duly elected.

In which report the Senate concurred.

Mr. Elliott presented the following Resolution :

Resolved, That on and after Friday next, the Senate will hold evening sessions for the remainder of the Session of this General Assembly.

Which was read and adopted.

Mr. Woodfin presented a Bill, entitled a Bill to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia; which was read the first time and passed, and on his motion was referred to the Committee on Internal Improvement.

Mr. Cameron presented the following Resolution:

Resolved, That the Senator from the County of Onslow, when his case shall be brought up for the action of the Senators, be allowed to be heard by Counsel at the bar of the Senate.

Which was read and adopted.

Mr. Dockery presented a Bill, entitled a Bill to incorporate the Town of Rockingham, in the County of Richmond.

Which was read the first time and passed.

The Bill, entitled a Bill to amend the 31st Chapter of the Revised Statutes, entitled an Act concerning Courts of Justice, Practice, Pleas and Process, was taken up and read the second time, amended on motion of Mr. Boyden, and then rejected by the following vote,

Mr. Biggs demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Boyden,
Dockery,
Elliott,
Francis,

Messrs. Hellen,
Joyner, (of H.),
Waddell,
Woodfin,
Worth.—10.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,

Messrs. Joiner, (of P.),
Lindsay,
Melvin,
McMillan,
Moody,
Pasteur,
Pharr,
Reich,

Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,
Hill,
Holmes,
Jefferson,
Jeffreys,

Shepard,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—39.

The Senate took up the unfinished business of yesterday, to-wit: the Bill, entitled a Bill to amend an Act passed Jan. 1841, entitled an Act to secure the State against any and every liability incurred by the Raleigh and Gaston Rail Road Company, and for the relief of the same.

The question was on the amendment of Mr. Francis, offered on yesterday.

Which was rejected by the following vote,

Mr. Halsey demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,
Francis,
Gavin,

Messrs. Gwynn,
Hester,
Jeffreys,
Melvin,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson.—19.

Those who voted in the negative, were

Messrs. Albright,
Boyden,
Cowper,
Dockery,
Edwards,

Messrs. Lindsay,
McMillan,
M oody,
P asteur,
Pharr,

Elliott,	Reich,
Ennett,	Shepard,
Halsey,	Smith,
Hargrave,	Tayloe,
Hellen,	Thompson, (of B.)
Hill,	Waddell,
Holmes,	Walker,
Jefferson,	Wilson,
Joyner, (of H.)	Woodfin,
Joiner, (of P.)	Worth.—30.

The Bill then passed by the following vote,

Mr. Thompson, (of B.) demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Joiner, (of P.)
Bogle,	Lindsay,
Boyden,	McMillan,
Cowper,	Moody,
Dockery,	Pasteur,
Edwards,	Pharr,
Elliott,	Shepard,
Halsey,	Smith,
Hargrave,	Tayloe,
Hellen,	Thompson, (of B.)
Hill,	Waddell,
Holmes,	Wilson,
Jefferson,	Woodfin,
Joyner, (of H.)	Worth.—28.

Those who voted in the negative, were

Messrs. Biggs,	Messrs. Gwynn,
Boyd,	Hester,
Cameron,	Jeffreys,
Drake,	Melvin,
Eaton,	Reich,
Ennett,	Stallings,
Etheridge,	Stowe,
Exum,	Tomlinson,
Gavin,	Walker.—18.

Messrs. Speight and Thompson, (of W.) were excused from voting.

The Bill, entitled a Bill to lease a Silver Mine to Gen. South-erlin, the discoverer, and for other purposes, was taken up and read the third time and passed, and ordered to be engrossed.

The engrossed Resolution in favor of Henry Addington, was taken up and read the second time and passed.

On motion of Mr. Francis, the rules of the Senate were suspended, so as to read the resolution a third time.

The Resolution was then read the third time, passed, and ordered to be Enrolled.

The Senate then took up the Engrossed Bill, entitled a Bill, to annex a part of Rutherford County to the County of McDowell; and a Resolution in favor of William T. Bain.

Which were severally read the second time and passed.

Received from the House of Commons a message, stating that Messrs. Wilson, (of P.) Mebane, Graves, and Bridgers, compose their Committee to make arrangements for the reception of His Excellency, William A. Graham, on the first of January next.

The Engrossed Bill, entitled a Bill to extend the time of registering Grants, Mesne Conveyances, Powers of Attorney, Bills of Sale, and Deeds of Gift; and the Bill concerning Jury Trials, were taken up and severally read the second time.

The last named Bill was, on motion of Mr. Francis, amended by striking out the preamble thereof, and passed.

The Resolution relative to the present owners of certain Tracts of Land of the late John Haywood, deceased, was taken up, and read, and on motion of Mr. Thompson, (of W.) laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell; and the Bill, entitled a Bill to amend the 75th Section of the 34th Chapter of the Revised Statutes.

Which were read the second time and passed.

The Engrossed Bill concerning the admissibility of evidence against the Sureties of Officers, was taken up and read the second time.

Mr. Francis moved to amend the Bill, in the first section, by inserting after the word "bonds," the words, "Clerks of the County and Superior Courts, Clerks and Masters in Equity."

Which was agreed to.

Mr. Boyden then moved to amend the Bill, by inserting after the words, "Public Officers," the words, "and also upon the bonds of Executors, Administrators and Guardians."

Which also prevailed.

The Bill then passed as amended.

Received from His Excellency, the Governor, by his Secretary, a communication relative to the expenses of the Literary and Internal Improvement Boards, from the 1st of Nov. 1842, to the 1st of Nov. 1844.

Which was read, and on motion of Mr. Eaton, laid on the table and ordered to be printed, together with the accompanying documents.

On motion of Mr. Drake, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, DEC. 19, 1841.

The Senate met according to adjournment.

Mr. Lindsay presented the resignation of Lyndon Swain, a Justice of the Peace for the County of Guilford.

Which was read and accepted, and sent to the House of Commons.

Mr. Dockery, from the Committee to whom was referred the enquiry relative to enclosing the Capitol Square, reported the following Resolution :

Resolved, That His Excellency, Governor Graham, be, and he is hereby requested to procure estimates of the public cost, by some competent Architect, of two fences around the Public Square, of sufficient dimensions; one to be built of hammered stone entire, and the other of stone foundation and iron railing above, particularly showing the difference in the cost of the two; and that he report to the next Legislature.

Which was read and adopted.

Mr. Joyner, (of H.) from the Committee on Internal Improvement, to whom was referred a Bill to alter and amend the public Road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancy, to the State line, reported the same to the Senate with sundry amendments.

Which was read.

Mr. Joyner, (of H.) from the same Committee, to whom was referred the Bill, entitled a Bill, to complete the public road from Burnsville to the Tennessee line, reported the same to the Senate without amendment.

Which was read.

Mr. Joyner, (of H.) from the same Committee, to whom was referred a memorial from sundry citizens of the County of Pasquotank, reported a Bill, entitled a Bill, making an appropriation of Five Hundred Dollars, to remove obstructions to the navigation of Pasquotank river, between Joices' creek and Proctor's landing.

Which was read the first time and passed.

Mr. Waddell, from the Judiciary Committee, to whom was referred a Bill, entitled a Bill on forms of Criminal Pleading, reported the same to the Senate without amendment.

Which was read.

Mr. Waddell, from the same Committee, to whom was referred the Resolution directing an enquiry into the expediency of giving to the Courts of Law, jurisdiction of Equitable Claims not exceeding in amount fifty dollars, reported a Bill, entitled a Bill to give Equity Jurisdiction to the Courts of Law in certain cases.

Which was read the first time and passed.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Resolution directing an enquiry into the expediency of amending the law in regard to landlords and tenants, reported that there is no legislation necessary in regard thereto.

Which was read.

Mr. Wilson presented the report and representation of the commissioned officers of the 21st regiment of the North Carolina Militia, in favor of amending the Militia Laws of this State.

Which was read, and on his motion, referred to the Committee on Military Affairs.

Mr. Jefferson moved that the vote, by which was rejected the Bill, entitled a Bill, to amend the 31st chapter of the Revised Statutes, entitled an Act, concerning Courts of Justice, Practice, Pleas and process, be reconsidered.

Which was not agreed to by the following vote,
Mr. Cameron demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,	Messrs. Joyner, (of H.)
Boyden,	McMillan,
Francis,	Shepard,
Halsey,	Waddell,
Jefferson,	Woodfin.—10.

Those who voted in the negative, were

Messrs. Albright,	Messrs. Jeffreys,
Biggs,	Joiner, (of P.)
Boyd,	Lindsay,
Cameron,	Melvin,
Cowper,	Moody,
Dockery,	Pasteur,
Drake,	Pharr,
Edwards,	Reich,
Elliott,	Smith,
Ennett,	Speight,
Etheridge,	Stallings,
Exum,	Stowe,
Gavin,	Tayloe,
Gwynn,	Thompson, (of B.)
Hargrave,	Thompson, (of W.)
Hellen,	Tomlinson,
Hester,	Walker,
Hill,	Wilson,
Holmes,	Worth.—38.

Mr. Joyner, (of H.) from the Committee on Internal Improvement, to whom was referred so much of the Governor's message as relates to the Wilmington and Raleigh Rail Road, reported a Bill, entitled a Bill, to authorize the Wilmington and Raleigh Company to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the Act, entitled an Act for the relief of the Wilmington and Raleigh Rail Road Company.

Which was read the first time and passed, and on motion of Mr. Waddell, was ordered to be printed with the accompanying Report.

Mr. Boyd presented a Bill, entitled a Bill to alter the time of holding the Superior Court of Law and Equity for the Counties of Rockingham and Guilford; which was read the first time and passed, and on his motion referred to the Committee on the Judiciary.

Mr. Cowper presented a Bill to amend the first section of an Act, entitled an Act to amend the several acts now in force, to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, and their waters, and the Albemarle Sound, passed in the year 1824; which was read the first time and passed, and on his motion referred to the Committee on Propositions and Grievances.

Mr. Smith, presented a Bill, entitled a Bill, to incorporate a Military Company in the County of Anson.

Which was read the first time and passed.

Mr. Woodfin presented a Bill, entitled a Bill, for the more speedy administration of Justice.

Which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill, entitled a Bill, compelling Clerks of the County and Superior Courts to issue executions within a certain time after the rise of their respective Courts, reported the same to the Senate without amendment, and recommended its rejection.

Which was read.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill to attach that part of Carteret County, known as Ocracoeke, to Hyde County, in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed.

Mr. Shepard presented the memorial of sundry merchants, and owners of vessels navigating the Roanoke River, relative to the Directors of the Petersburg Rail Road Company, praying the Legislature to authorize them to keep an obstruction across the Roanoke River; which was read, and on his motion referred to the Committee on Internal Improvement.

On motion of Mr. Francis, the Bill entitled a Bill concerning Jury Trials, was taken up and read the third time, and passed by the following vote,

Mr. Wilson demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Edwards,

Elliott,

Ennett,

Francis,

Gwynn,

Halsey,

Hargrave,

Hellen,

Jeffreys,

Messrs. Joyner, (of H.)

Joiner, (of P.)

McMillan,

Moody,

Pharr,

Shepard,

Smith,

Stowe,

Taylor,

Thompson, (of B.)

Waddell,

Walker,

Woodfin,

Worth.--28.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Etheridge,

Exum,

Gavin,

Hill,

Hester,

Messrs. Holmes,

Jefferson,

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Thompson (of W.)

Tomlinson,

Wilson.--20.

Said Bill was ordered to be Engrossed.

Received from the House of Commons a message, concurring with the Senate in the adoption of the Resolution, proposing to raise a Joint Select Committee, to enquire into the propriety of making some public manifestation of respect for the memory of the late William Gaston, and stating that Messrs. Washington, Poindexter, Graves, and Ellis, form their Committee on said joint order.

Whereupon, the Speaker announced to the Senate, that Messrs. Cameron, Joyner, (of H.) Pasteur, and Francis, form the Commit-

tee on the part of the Senate on said joint order, and the House of Commons was informed thereof by message.

The Senate then took up the Bill, entitled a Bill, to amend an Act passed January 1841, entitled an Act, to secure the State against any and every liability incurred by the Raleigh and Gaston Rail Road Company, and for the relief of the same.

Which was read the third time, and on motion of Mr. Boyden amended, by striking out the word *Senate* in the Preamble, and inserting the word *Legislature*.

Mr. Biggs moved to amend the Bill, by adding the following to the second section :

Yet, from the documents aforesaid, it appears that the Governor and Attorney General have taken Bonds from the Stockholders and subscribers, which only bind them to pay the deficiency of Five Hundred Thousand Dollars endorsed by the Act of 1838 9, after applying the proceeds arising from the sale of all the real and personal estate of said Company.

Which was rejected by the following vote,
Mr. Francis demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Exum,
Gwynn,

Messrs. Thompson, (of W.)
Walker.—5.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyd,
Boyden,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Etheridge,
Francis,
Gavin,

Messrs. Jeffreys,
Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Melvin,
McMillan,
Moody,
Pasteur,
Pharr,
Reich,
Shepard,
Smith,
Stallings,
Stowe,

Halsoy,
Hargrave,
Hellen,
Hester,
Hill,
Holmes,
Jefferson,

Tayloe,
Thompson, (of B.)
Tomlinson,
Waddell,
Wilson,
Woodfin,
Worth.—42.

Mr. Biggs then moved to amend the Bill, by adding the following as an additional section :

And be it further enacted, That as a heavy loss has been sustained by the State upon her endorsement for the said Rail Road Company, it is the opinion of this General Assembly, that the majority of the Legislature of 1838, who passed a Law endorsing the Bonds of said Rail Road Company for Five Hundred Thousand Dollars, are responsible for said loss.

Which was rejected by the following vote,

Mr. Biggs demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Holmes,

Messrs. Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—22.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Drake,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,

Edwards,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Hill,
Jefferson,

Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—27.

Whereupon, Mr. Biggs moved to amend the Bill, by adding the following section :

And be it further enacted, That as a heavy loss will be sustained by the State upon her endorsement for the said Rail Road Company, it is the opinion of this General Assembly, that the majority of the Legislature of 1840, who passed a Law endorsing the Bonds of said Company for Three Hundred Thousand Dollars, in addition to the sum of Five Hundred Thousand Dollars, which had been endorsed by the Legislature of 1838, are responsible for said loss.

Which was read and rejected by the following vote,
Mr. Biggs calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Holmes,

Messrs. Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—20.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,

Cowper,	McMillan,
Dockery,	Moody,
Edwards,	Pharr,
Elliott,	Shepard,
Ennett,	Smith,
Francis,	Tayloe,
Halsey,	Thompson, (of B.)
Hargrave,	Waddell,
Hellen,	Woodfin,
Hill,	Worth.—27.
Jefferson,	

The Bill then passed by the following vote,

Mr. Biggs demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Joiner, (of P.)
Bogle,	Lindsay,
Boyden,	McMillan,
Cowper,	Moody,
Dockery,	Pasteur,
Edwards,	Pharr,
Elliott,	Shepard,
Halsey,	Smith,
Hargrave,	Tayloe,
Hellen,	Thompson, (of B.)
Hill,	Waddell,
Holmes,	Wilson,
Jefferson,	Woodfin,
Joyner, (of H.)	Worth.—28.

Those who voted in the negative, were

Messrs. Biggs,	Messrs. Gwynn,
Boyd,	Hester,
Cameron,	Jeffreys,
Drake,	Melvin,
Eaton,	Reich,
Ennett,	Stallings,
Etheride,	Stowe,
Exum,	Tomlinson,
Gavin,	Walker.—18.

Ordered that said Bill be Engrossed.

On motion of Mr. Wilson, the Resolutions and report of the Select Committee in relation to the Certificate of the Senator from Onslow, were taken up.

Whereupon, on motion of Mr. Wilson, Louis D. Henry and Duncan K. McRae, Esqrs., Counsel for Mr. Ennett, were admitted within the Bar of the Senate.

Mr. Wilson moved, in pursuance of the application of Mr. Ennett's Counsel, to re-commit the Certificate with the accompanying papers, to the Select Committee on that subject.

Upon this question, Mr. Halsey called for the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

There being an equal division of the question, the Speaker voted in the negative.

Consequently, the motion did not prevail.

Mr. Biggs moved to postpone the Resolutions and Report under consideration, to the 28th inst., and make them the order of the day for that day.

Which motion was rejected by the following vote,

Mr. Biggs demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Edwards,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Hill,

Messrs. Holmes,

Jeffreys,

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Francis,

Halsey,

Hargrave,

Hellen,

Jefferson,

Joyner, (of H.)

Messrs. Joiner, (of P.),

Lindsay,

McMillan,

Moody,

Pharr,

Shepard,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—24.

The Speaker voted in the negative.

Mr. Francis moved to make the Resolutions the order of the day for to-morrow.

Mr. Biggs moved to amend said motion, by striking out to-morrow, and inserting the 24th inst.

Pending which question, Mr. Boyden moved that the Senate adjourn until to-morrow morning ten o'clock.

Which motion was rejected by the following vote,

Mr. Cameron demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis.
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)

Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—23.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,
Holmes,

Messrs. Jeffreys,

Melvin,
Moody,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

Mr. Waddell now moved that the Senate adjourn until to-morrow morning ten o'clock.

Which motion was rejected by the following vote,

Mr. Boyden calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright;

Bogle,
Boyd,
Cowper,
Dockery,
Elliott,
Francis,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)
Joiner, (of P.)

Messrs. Lindsay,

McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—23.

Those who voted in the negative, were

Messrs. Biggs;

Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hester,
Hill,

Messrs. Holmes,

Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson,
Walker,
Wilson.—25.

The question now recurred on the amendment of Mr. Biggs, to strike out to-morrow, and insert, the 24th inst.

Mr. Shepard called for a division of the question, on striking out.

Which question was rejected.

Mr. Biggs demanded the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,
Cameron,

Messrs. Holmes,

Jeffreys,
Melvin,

Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

The Speaker voted in the negative.

The question then recurred upon the motion of Mr. Francis, to make the subject matter under consideration the order of the day for to-morrow.

Which motion prevailed,

Mr. Cameron demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Edwards,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Hill,

Messrs. Holmes,

Jeffreys,

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—24.

The Speaker voted in the affirmative.

Mr. Dockery presented the following Resolution :

Resolved, That when the Resolutions relating to Mr. Ennett shall come up for consideration, he be allowed to examine witnesses at the bar of the Senate.

Which was read and adopted by the following vote,

Mr. Francis demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,

Bogle,

Boyd,

Boyden,

Cameron,

Cowper,

Dockery,

Drake,

Eaton,

Edwards,

Elliott,

Etheride,

Exum,

Francis,

Gavin,

Messrs. Jeffreys,

Joyner, (of H.)

Joiner, (of P.)

Lindsay,

Melvin,

McMillan,

Moody,

Pasteur,

Pharr,

Reich,

Shepard,

Smith,

Speight,

Stallings,

Stowe,

Taylor,

Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,
Holmes,
Jefferson,

Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—48.

The Counsel for Mr. Ennett then read the following affidavit, to-wit ;

The Senator from Onslow, Wm. Ennett, swears that he expects to prove by Mr. Marsteller, that he had informed him, Mr. Ennett, on the Sunday next before the meeting of the Legislature—in the day-time—that it was his opinion that the Senator from Onslow could take his seat in the Senate, without the Sheriff's Certificate, by making other proof of his title to his seat ; and, also, that he expects to prove by the Sheriff, Jno. A. Averitt, that he had promised him, Mr. Ennett, to make out his Certificate of election, and send it to him before the organization of the Senate. Also, that Mr. Marble, of Onslow, had promised to procure said Certificate from the Sheriff aforesaid, and send it to him in time, before the sitting of the Legislature. And, also, by Mrs. Bradley, that Mr. Ennett sent to her father's house, (Averitt's,) for the Certificate, and the answer brought by the messenger was, that her father was from home, but would attend to it in time.

(Signed,) WM. ENNETT,

And attested, sworn and subscribed before me, in Senate, Dec. 19, 1844.

B. S. GAITHER,
Speaker of the Senate.

The following Resolution was then offered by Mr. Edwards :

Resolved, That the affidavit of the Senator from Onslow be received and admitted as testimony on the hearing of his case,

Which was adopted,
On motion of Mr. Francis, the Senate adjourned until to-morrow morning ten o'clock.

FRIDAY, DECEMBER 20, 1844.

The Senate met according to adjournment.

Mr. Woodfin presented a Bill, entitled a Bill to provide for holding a session of the Supreme Court once a year in the Western part of the State; which was read the first time and passed, and on his motion referred to the Committee on the Judiciary.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution concerning the Public Treasurer, in which they ask the concurrence of the Senate.

Said Resolution was read the first time and passed.

Received from the House of Commons a message, proposing to the Senate to raise a Joint Select Committee, to consist of two on the part of the Senate, and four on the part of the House of Commons, to whom the memorial of Benjamin Swaim accompanying the message, shall be referred, with leave to report by bill or otherwise.

Which was read and concurred in.

On motion of Mr. Stowe, the Bill, entitled a Bill to change the location of the Court House of the County of Lincoln, and for other purposes, was taken up and read the third time, and passed by the following vote,

Mr. Jefferson demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,	Messrs. Jeffreys,
Bogle,	Melvin,
Boyd,	McMillan,
Drake,	Reich,
Eaton,	Smith,
Etheridge,	Speight,
Exum,	Stallings,
Francis,	Stowe,
Gavin,	Thompson, (of W.)
Gwynn,	Tomlinson,
Hester,	Walker,
Hill,	Wilson,
Holmes,	Worth.—26.

Those who voted in the negative, were

Messrs. Albright,	Messrs. Joyner, (of H.)
Boydén,	Joiner, (of P.)

Cameron,
 Cowper,
 Dockery,
 Edwards,
 Elliott,
 Halsey,
 Hargrave,
 Hellen,
 Jefferson,

Lindsay,
 Moody,
 Pasteur,
 Pharr,
 Shepard,
 Tayloe,
 Thompson, (of B.)
 Waddell,
 Woodfin.—22.

Ordered that said Bill be Engrossed.

The Senate took up the Bill, entitled a Bill to amend the Sections of the Revised Statutes concerning Clerks and Registers.

Which was read the second time.

Mr. Stallings moved to amend the Bill, by adding the following proviso to the first Section :

Provided, That the County Courts of the respective Counties, a majority of the Justices being present, may make an order dispensing with such examinations and report.

Which was read and adopted, by the following vote,
 Mr. Speight demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
 Bogle,
 Boyd,
 Cameron,
 Drake,
 Eaton,
 Edwards,
 Elliott,
 Etheridge,
 Exum,
 Gavin,
 Gwynn,
 Halsey,
 Hargrave,
 Hester,
 Hill,
 Holmes,
 Jefferson,

Messrs. Joyner, (of H.)
 Joiner, (of P.)
 Lindsay,
 Melvin,
 McMillan,
 Pasteur,
 Reich,
 Smith,
 Speight,
 Stallings,
 Stowe,
 Thompson, (of W.)
 Tomlinson,
 Waddell,
 Walker,
 Wilson,
 Woodfin,
 Worth.—35.

Those who voted in the negative, were

Messrs. Albright,
Boyden,
Cowper,
Dockery,
Francis,
Hellen,

Messrs. Jeffreys
Joyner, (of H.)
Moody,
Pharr,
Shepard,
Thompson, (of B.)—12.

Mr. Halsey moved a further amendment :

And that the County Attorney shall not make the examination until after thirty days from the rise of the Court.

Which was read and adopted.

The Bill then passed by the following vote,

Mr. Melvin demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyden,
Cowper,
Dockery,
Drake,
Elliott,
Francis,
Gwynn,
Halsey,
Hargrave,
Hellen,
Jefferson,
Jeffreys,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Moody,
Shepard,
Smith,
Stallings,
Thompson, (of B.)
Thompson, (of W.)
Waddell,
Walker,
Woodfin,
Worth.—26.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyd,
Cameron,
Eaton,
Edwards,

Messrs. Holmes,
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,

Etheridge,
Exum,
Gavin,
Hester,
Hill,

Speight,
Stowe,
Tomlinson,
Wilson.—21.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Resolution directing an enquiry into the expediency of so amending the law in regard to Deeds of Trust, as to require a *pro rata* distribution of the Trust fund, in all cases of Deeds of Trust, reported a Bill, entitled a Bill concerning Deeds, Mortgages, and Assignments in Trust.

Which was read the first time and passed.

Mr. Waddell presented the petition of Edwin, and other free persons of color of Virginia, praying the Legislature to permit them to move to this State; which was read, and on his motion referred to the Committee on Propositions and Grievances.

Mr. Hellen presented a Bill, entitled a Bill to amend and alter the 10th Section of the 102d Chapter of the Revised Statutes.

Which was read the first time and passed.

The Senate then took up the Bill, entitled a Bill to incorporate the Fayetteville Library Institute, in the town of Fayetteville.

Which was read the second time and passed.

The Bill, entitled a Bill to alter times of holding Courts, was taken up and read the second time, and on motion of Mr. Bogle, laid on the table.

The Senate proceeded to take up the order of the day, to-wit: the Resolutions concerning the expulsion of Mr. Ennett, Senator from Onslow.

Which were read.

Pending the question, Mr. Holmes moved that the Senate adjourn until this evening half past three o'clock.

Which motion prevailed.

HALF-PAST 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business, to-wit: Resolutions concerning the expulsion of Mr. Ennett, Senator from Onslow.

After having spent some time thereon,

The Senate, on motion of Mr. Francis, adjourned until to-morrow morning ten o'clock.

—————
SATURDAY, DEC. 21, 1844.

The Senate met according to adjournment.

Received from the House of Commons a message, proposing to postpone the execution of the joint order of the two Houses, for the appointment of Justices of the Peace this afternoon, until this day week.

Which was read and agreed to.

Mr. Francis presented a Bill, entitled a Bill, to prescribe the manner of appointing Engrossing Clerks.

Which was read the first time and passed, and on his motion was referred to the Committee on the Judiciary.

Mr. Hill presented a Bill, entitled a Bill, to incorporate Washington Academy in the County of Duplin.

Which was read the first time and passed.

Mr. Drake presented a Bill, entitled a Bill, declaratory of the sixth section of the seventh chapter of the Acts of the General Assembly of 1840-'41, entitled an Act for the establishment and better regulation of Common Schools.

Which was read the first time and passed, and on motion of Mr. Elliott was referred to the Committee on Education and the Literary Fund.

Mr. Hellen presented a Bill, entitled a Bill, to amend the fifth section of an Act, entitled an Act, concerning the power and jurisdiction of Justices of the Peace.

Which was read the first time and passed, and on motion of Mr. Jefferson, was referred to the Committee on the Judiciary.

Mr. Woodfin presented a Bill, entitled a Bill, to invest Fifteen Hundred Dollars of the Literary Fund.

Which was read the first time and passed, and on his motion was referred to the Committee on Education and the Literary Fund.

Mr. Tayloe presented a Bill, entitled a Bill, to amend the seventy-seventh section of the ninety-first chapter of the Revised Statutes.

Which were read the first time and passed.

The Senate took up the Engrossed Resolution relating to Smithville, in Brunswick County.

Which were read the second time and passed.

The Engrossed Bill, entitled a Bill, to establish a public road in the County of Buncombe, was taken up, read the second time, and rejected by the following vote,

Mr. Speight calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Dockery,
Edwards,
Elliott,
Francis,
Hellen,
Jefferson,
Joyner, (of H.)
Lindsay,
McMillan,

Messrs. Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—21.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Boyd,
Cameron,
Cowper,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,

Messrs. Hill,
Holmes,
Jeffreys,
Joiner, (of P.),
Melvin,
Moody,
Pasteur,
Reich,
Speight,
Stallings,
Thompson, (of W.)
Tomlinson.—25.

The Senate proceeded to take up the unfinished business of yesterday, to-wit: the Resolutions in relation to William Ennett, Esq. Senator from Onslow.

Which were read.

Pending the question, the Senate, on motion of Mr. Dockery, adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, to-wit: the Resolutions in relation to William Ennett, Esq. Senator from Onslow.

Which were read, and are as follows:

1. *Resolved*, That the Certificate of the Senator from Onslow, and by him introduced to the Senate as genuine, the first day of the Session, is a forgery.

Which passed by the following vote,

Mr. Boyden demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,

Bogle,

Boyd,

Boyden,

Cameron,

Cowper,

Dockery,

Drake,

Eaton,

Edwards,

Elliott,

Etheridge,

Exum,

Francis,

Messrs. Joyner, (of H.)

Joiner, (of P.)

Lindsay,

Melvin,

McMillan,

Moody,

Pasteur,

Pharr,

Reich,

Shepard,

Smith,

Speight,

Stallings,

Stowe,

Tayloe,

Gavin,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,
Holmes,
Jefferson,
Jeffreys,

Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—47.

2. *Resolved, further*, That inasmuch as no evidence has been offered before the Committee, to implicate any other person in the transaction, that the Senator himself has either been guilty of the forgery, or procured it to be done, or was aware, at least, that it was not genuine; and, therefore, practised a fraud upon the Senate, and ought to be expelled.

Which was read.

Mr. Francis moved to amend it, by striking out of the second Resolution, after the word, done, and insert—

Or was aware, or at least had strong reason to suspect that the said Certificate was not genuine; and by presenting the same without explanation, as his credentials, was guilty of gross and criminal negligence; thereby presenting a forged Certificate, and becoming instrumental in practising a fraud upon the Senate, for which he might justly be visited with its severest censure; yet, considering the evidence offered by the said Senator, upon the examination of his case before the Senate, which has shewn to the satisfaction of the Senate, that he has heretofore sustained a character of being harmless and inoffensive, and is also a very ignorant man; and hence was not likely to perceive the impropriety of his conduct; the Senate believe that the case does not absolutely require the severest censure, but that a milder punishment may, under the circumstances, be properly substituted for expulsion. Therefore,

Resolved, That the Speaker do, from the Chair, reprimand the said William Ennett, the Senator from Onslow, for his misconduct—the said Senator standing in his place to receive such reprimand.

Which was read and rejected by the following vote,

Mr. Halsey demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Francis,

Halsey,

Hargrave,

Hellen,

Jefferson,

Joyner (of H.)

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Pharr,

Shepard,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—23.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Edwards,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Hill,

Holmes,

Messrs. Jeffreys,

Melvin,

Moody,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—25.

The second Resolution then passed by the following vote,

Mr. Moody demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Francis,

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Moody,

Pharr,

Shepard,

Smith,

Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson,
Walker,
Wilson.—24.

The Speaker voted in the affirmative.

3. *Resolved*, That for the reasons aforesaid, the Senator from Onslow be, and is hereby expelled from the Senate, and his seat therein vacated.

Which was read and passed by the following vote,
The Yeas and Nays being demanded by Mr. Albright:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

The Speaker voted in the affirmative.

Mr. Cameron presented the following Resolution :

Resolved, That a Writ of Election be issued by the Speaker of this House, to the Sheriff of the County of Onslow, directing him to hold an election on Monday, the 30th inst. for a Senator from that County, to supply the vacancy in this body, occasioned by the expulsion of Wm. Ennett, who was chosen to represent that County in the General Assembly of this State, now in Session.

Which was read and adopted.

On motion of Mr. Jefferson, the Senate adjourned until Monday morning ten o'clock.

MONDAY, DEC. 23, 1844.

The Senate met according to adjournment.

The Speaker announced to the Senate that Messrs. Eaton and Elliott compose the Committee on Enrolled Bills the present week; and the House of Commons was informed thereof by message.

Mr. Biggs moved to amend the Journal of Saturday last, by striking out the following part thereof, to-wit :

“ Pending the discussion, when Mr. Henry, one of the Counsellors for the Senator from Onslow, was addressing the Senate upon the Resolutions, the Speaker called the gentleman to order, and suggested that he must confine himself to the question under debate. Whereupon, a question was raised as to the rules by which the Counsel of the Senator from Onslow should be governed in debate, and whether he was then out of order.

“ The Speaker immediately reduced the decision to writing, and stated it again to the Senate, to-wit : The Chair decides that the Counsel for the Senator from Onslow must confine himself to the Rules of Order prescribed for the government of the Senate, in the discussion of the question before it ; and that it is not in order to refer to, or discuss the state of parties that divide the country.

“ No appeal being taken from this decision, the Chair announced to Mr. Henry that he could proceed in the discussion, in order.”

And inserting the following as a substitute therefor :

“ Pending the Resolutions, the Counsel of the Senator from Onslow was remarking upon the embarrassments which surrounded his client's defence against such a charge at this time ; that all men, in all ages, were subject to the infirmity of entertaining prejudices, however honest might be their hearts and intentions ; that the most honest and confiding men were sometimes the most insensible to its influence ; that he imputed no more infirmity to the Senate, than our own experience, than the laws, than the Bible and the Decalogue imputed to all mankind, and to himself, (the Counsel.) Therefore, he begged leave to assume the province of the Preacher, and as the Preacher's congregation ought not and could not take any offence when the Decalogue was read to them, so the triers of a man charged with an infamous crime, could take no personal offence at being respectfully warned and cautioned to examine their hearts, and guard against any prejudice insensibly taking possession of them. He spoke of the latitude allowed in this respect, in Courts of Justice, where not only it was made the duty of Counsel to give this caution ; and meant not to be disrespectful in the least. Therefore, he thought the Senate ought to be wary and distrustful of themselves, when party spirit was so rife every where in this State, and throughout the country, and discard all personal, sectarian or party prejudice, for that prejudice would sometimes course through honest minds as insensibly as the blood did through the veins silently and warmly, or as insensibly as the atmosphere through the lungs.

"When the Speaker interrupted the Counsel and remarked, that the Counsel must confine himself to the Rules of the Senate, and a discussion of party feeling had nothing to do with the Resolutions before the Senate, and was out of order; and thereupon, Mr. Biggs raised a question of order, and submitted that the Counsel was not out of order in remarking, as he was doing, upon the effect of party spirit.—The Speaker then reduced to writing the following, which he read to the Senate: 'The Chair decides that the Counsel for Mr. Ennett must confine himself to the Rules prescribed for the government of the Senate, in the discussion of the question before the House, and that it is not in order to refer to, or discuss the state of parties that divide the country.' The Speaker then asked the Senator from Martin, if he took an appeal from the decision of the Chair. No appeal was taken. He then remarked that the Counsel could proceed in order. Whereupon, the Counsel took his hat, papers, and walked out of the Senate."

And upon this question, Mr. Dockery called for a division of the question to strike out; which was decided in the affirmative, by the following vote,

Mr. Albright demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Hill,

Holmes,

Messrs. Jeffreys,

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—23.

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Dockery,

Elliott,

Messrs. Joyner, (of H.)

Joiner, (of P.)

Lindsay,

McMillan,

Pharr,

Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,

Shepard,
Smith,
Tayloe,
Waddell,
Woodfin.—20.

Mr. Francis moved to amend the amendment of Mr. Biggs, by striking out all after the words, "pending the Resolutions," and inserting the following, to-wit :

“While Mr. Henry, one of the Counsel of the Senator from Onslow, having commenced his Speech, and being called to order for irrelevancy : It is therefore

Resolved, That a Committee of three be appointed by the Senate to wait upon Mr. Henry and ask from him a copy of all his remarks, on that occasion, in order to place the same on the Journal.”

Which was read and rejected by the following vote :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Francis,
Hellen,

Messrs. Jefferson,
Shepard,
Tayloe.—7.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Boyden,
Cameron,
Dockery,
Drake,
Elliott,
Etheridge,
Exum,
Gay'n,
Gwynn,
Halsey,
Hargrave,
Hester,
Holmes,
Jeffreys,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin.—34.

Whereupon, Mr. Elliott moved that the amendment be laid on the table.

Which motion was rejected by the following vote,
Mr. Cameron demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Dockery,
Elliott,
Halsey,
Joyner, (of H.)

Messrs. Lindsay,
McMillan,
Smith,
Waddell,
Woodfin,
Worth.—12.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Boyden,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Hargrave,
Hellen,
Hester,
Holmes,
Jefferson,

Messrs. Jeffreys,
Joiner, (of P.)
Melvin,
Pasteur,
Pharr,
Reich,
Shepard,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—31.

Mr. Woodfin proposed to amend the amendment offered by Mr. Biggs, by inserting after the word "Resolutions," in the first line, the following:

"In the course of the remarks made by Mr. Henry, he charged the Senate with having prejudged the case of the Senator from Onslow.—Whereupon, he was called to order by the Chair."

Which was read and rejected by the following vote,
Mr. Holmes demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Dockery,
Elliott,
Francis,
Halsey,
Hellen,
Jefferson,
Joyner, (of H.)
Joiner, (of P.)

Messrs. Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Waddell,
Woodfin,
Worth.—19.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Boyden,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

The question then recurred on the amendment proposed by Mr. Biggs.

Which was decided in the affirmative by the following vote,

Mr. Cameron demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,

Messrs. Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,

Gavin,
Gwynn,
Hester,
Hill,
Holmes,

Thompson (of W.)
Tomlinson,
Walker,
Wilson.—23.

Those who voted in the negative, were

Messrs. Albright,

Bogle,
Boyden,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson.
Joyner, (of H.) -

Messrs. Joiner, (of P.)

Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Waddell,
Woodfin,
Worth.—21.

Received from the House of Commons a message, therein transmitting to the Senate a message from His Excellency, the Governor, in relation to the early History of this State, with a proposition to print the same for the use of the two Houses.

Which was read and agreed to.

On motion of Mr. Stallings,

Ordered, That Mr. Cowper have leave of absence from the service of the Senate, from and after to-day, until Saturday next.

On motion of Mr. Wilson,

Ordered, That Mr. Edwards have leave of absence from the service of the Senate, from and after to-day until Thursday next.

On motion of Mr. Waddell,

Ordered, That Mr. Thompson, (of B.) have leave of absence from the service of the Senate, from and after to-day until Monday next.

Mr. Tayloe presented the following Resolution :

Resolved, That a message be sent to the House of Commons, pro-

posing that the two Houses adjourn *sine die* on Thursday, the 2d day of January next.

Which was read.

Mr. Francis moved that the Resolution be laid on the table.

Which was rejected by the following vote,

Mr. Holmes demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyden,
Drake,
Eaton,
Etheridge,

Messrs. Exum,
Francis,
Gavin,
Jefferson
Stallings.—10.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyd,
Cameron,
Dockery,
Elliott,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hilt,
Holmes,
Joyner, (of H.)
Joiner, (of P.)
Lindsay,

Messrs. Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Shepard,
Smith,
Speight,
Stowe,
Tayloe,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin.—32.

On motion of Mr. Hargrave, the Resolution was amended by striking out Thursday, the 2d, and inserting Monday, the 6th.

The Resolution then passed as amended, by the following vote,
Mr. Biggs demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,

Messrs. Jeffreys,
Joyner, (of H.)

Bogle,	Joiner, (of P.)
Boyden,	Lindsay,
Doekery,	Melvin,
Drake,	McMillan,
Eaton,	Pharr,
Elliott,	Reich,
Eltheridge,	Shepard,
Exum,	Smith,
Francis,	Speight,
Gavin,	Stallings,
Gwynn,	Stowe,
Halsey,	Taylee,
Hargrave,	Thompson, (of W.)
Hellen,	Tomlinson,
Hester,	Waddell,
Hill,	Walker,
Holmes,	Woodfin.—38.

Those who voted in the negative, were

Messrs. Boyd,	Messrs. Pasteur,
Cameron,	Wilson.—5.
Jefferson,	

Mr. Dockery presented the following Resolution:

Resolved, That William Ennett is entitled to his *per diem* up to Saturday last inclusive, and his mileage to this place; and that the Clerk make up the estimate in that way.

Which was read and adopted.

Mr. Waddell presented the following Resolution:

Resolved, That the Committee on Military Affairs be instructed to enquire into the expediency of having the books and papers, relating to the services of Officers and Privates in the War of the Revolution, now in the Comptroller's Office, copied and alphabetically arranged; and that they have leave to report by bill or otherwise.

Which was read and adopted.

Mr. Dockery presented the following Resolution:

Resolved, That the Treasurer pay to William McCollum, of Montgomery County, forty-seven dollars, which he has paid into the Treas.

ury for land, previously granted and paid for; and that the same be allowed the Treasurer in the settlement of his accounts.

Which was read the first time and passed, and on his motion referred to the Committee on Claims.

Mr. Thompson, (of W.) moved that the vote by which was rejected the Engrossed Bill, entitled a Bill to establish a public road in the County of Buncombe, be reconsidered.

Which motion prevailed.

The Bill was then put upon its passage, which was rejected by the following vote,

Mr. Exum demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Dockery,
Elliott,
Francis,
Hellen,
Jefferson,
Joiner, (of H.)
Lindsay,

Messrs. McMillan,
Pharr,
Shepard,
Smith,
Stowe,
Tayloe,
Waddell,
Woodfin.—17.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,

Messrs. Hill,
Holmes,
Jeffreys,
Joiner, (of P.),
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Thompson, (of W.)
Tomlinson,
Walker.—25.

On motion of Mr. Jeffreys, the Senate adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Francis, the Resolution requesting the payment by the General Government of the fourth instalment, due under the Deposit Act, was taken up and made the order of the day for Monday next.

The Engrossed Resolution in favor of William Dills, was taken up and read the second time and passed.

The Bill, entitled a Bill to establish a uniform practice throughout the State, on suits upon Bonds, Bills and Promissory Notes, was taken up and read the second time, and rejected by the following vote,

Mr. Francis demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Dockery,

Elliott,

Exum,

Halsey,

Messrs. Hargrave,

Lindsay,

McMillan,

Smith,

Walker,

Woodfin.—13

Those who voted in the negative, were

Messrs. Boyd,

Cameron,

Drake,

Eaton,

Etheridge,

Francis,

Gavin,

Gwynn,

Hellen,

Hester,

Hill,

Holmes,

Jefferson,

Jeffreys,

Joyner, (of H.)

Messrs. Joiner, (of P.)

Melvin,

Pasteur,

Pharr,

Reich,

Shepard,

Speight,

Stallings,

Stowe,

Taylor,

Thompson, (of W.)

Tomlinson,

Waddell,

Wilson.—29

On motion of Mr. Francis, the Bill, entitled a Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same, was taken up and made the order of the day for Friday next.

The Senate then took up the Engrossed Bill, entitled a Bill concerning final process in actions of Detinue; which was read the second time, and on motion of Mr. Tomlinson, indefinitely postponed, by the following vote,

Mr. Tomlinson demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Cameron,
Dockery,
Drake,
Eaton,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Hellen,
Hester,
Hill,
Holmes,

Messrs. Jefferson,
Joiner, (of P.)
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyd,
Boyden,
Elliott,
Halsey,
Hargrave,
Joyner, (of H.)

Messrs. Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Waddell,
Woodfin.—16.

The Bill, entitled a Bill to amend the Revised Statutes, entitled Courts of Equity; and the Engrossed Bill, entitled a Bill authorizing the County Court of Lincoln County to exercise exclusive jurisdiction over the public road, which is the dividing line between the Counties of Lincoln and Cleveland, were taken up and read the second time and passed.

The Bill, entitled a Bill to amend an Act passed in 1836-'7, to incorporate the town of Greensboro', in the County of Guilford, was taken up and read the second time and passed.

The Bill in favor of Poor Debtors was taken up and read the second time.

Mr. Stallings moved to amend it, by striking out *two*, and inserting *six*.

Which was rejected.

Mr. Francis moved to amend the Bill, by inserting after the word "execution," in the eighth line, "on debts contracted after the first day of March n xt."

Which was read and adopted.

The Bill was then, on motion of Mr. Thompson, (of W.) laid on the table.

The Bill concerning Costs was taken up and read the second time, and rejected.

The Resolution in favor of Anna Fanny was taken up and read the second time, and passed.

The Engrossed Bill, entitled a Bill to prevent betting on elections, was taken up and read the second time, and rejected.

The Senate then took up the Bill, entitled a Bill to re-assess the land of the State.

Which was read the second time and rejected.

Received from the House of Commons a message, stating that Messrs. Scales, Golding, Davenport and Edwards form the Committee on their part, the present week, on Enrolled Bills.

On motion of Mr. Francis, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, DEC. 24, 1844.

The Senate met according to adjournment.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the memorial of Joshua Cannon, pray-

ing for the emancipation of Abel Payne, his wife Patsey, and five children, reported the same to the Senate, and asked to be discharged from its further consideration.

Which was read, and on motion of Mr. Waddell, was laid on the table.

Mr. Joyner, from the Committee on Internal Improvement, to whom was referred the memorial of the Board of Directors of the Petersburg Rail Road Company, reported a Bill, entitled a Bill, to exempt from indietment the Petersburg Rail Road Company, for having obstructed the navigation of Roanoke river, near the town of Weldon, by the erection of a Bridge across the said river.

Which was read the first time and passed, and on motion of Mr. Shepard, ordered to be printed.

Mr. Dockery, from the Committee of Finance, reported the following Resolution :

Resolved, That John H. Wheeler, Public Treasurer, be allowed in the settlement of his accounts, the sum of Sixty-three Dollars, Three and a half Cents, the amount of Treasury notes counted and burnt by the present Committee of Finance, under instructions from the present Legislature ; and the further sum of One Hundred and Seventeen Dollars, it being the sum paid by him for making out a complete list of the amounts due upon each of the Bonds respectively given by the purchasers of the Cherokee Lands, together with the name of the obligors, and securities, and the amount of interest that was due on each Bond, separately, up to the 1st January, 1844, in obedience to the Act of last Legislature, chapter 56, which list was as by law directed, forwarded to the Agent in Macon County, and a duplicate of which is on file in the Treasurer's office.

Which was read the first time and passed.

Mr. Jeffreys presented the following Resolution :

Resolved, That the Public Treasurer be instructed to report to the Senate, the correspondence between the Treasurer, and His Excellency, the Governor, relative to the legal right of the Governor to receive *per diem* compensation as President *ex officio*, for services rendered upon the Literary and Internal Improvement Boards. And also, the opinion of the Attorney General thereupon—together with the amount which his Excellency, the Governor, has received for said service.

Which was read and adopted.

Mr. Elliott, from the Committee on so much of the Governor's Message as relates to a Penitentiary, reported a Bill, entitled a Bill concerning a Penitentiary.

Which was read the first time and passed.

Mr. Elliott presented a Bill, entitled a Bill to appoint Commissioners for the Town of Asheboro', in the County of Randolph, and to incorporate the same.

Which was read the first time and passed.

The Bill, entitled a Bill to prevent the felling of timber in the Creeks and Rivers in the County of Caharrus, was taken up, read the third time and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill to amend an Act, entitled an Act to provide for the collection and management of a revenue for this State.

Which was read the third time:

Mr. Francis proposed an amendment to the first section thereof.

Pending the question, the Bill and amendment, on his motion, were laid on the table.

The Bill, entitled a Bill to prevent frauds in levying executions issued by a single Magistrate, upon lands, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under executions, was taken up, read the third time, and amended on motion of Mr. Francis.

Mr. Exum moved that the Bill be laid on the table until the 4th of March next.

Which motion did prevail.

Mr. Exum demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Boole,

Boyd,

Cameron,

Drake,

Eaton,

Etheridge,

Exum,

Francis,

Gavin,

Gwynn,

Hellen,

Messrs. Hester,

Hill,

Holmes,

Melvin,

Pasteur,

Reich,

Speight,

Tayloe,

Thompson, (of W.)

Tomlinson,

Wilson.—22.

Those who voted in the negative, were

Messrs. Albright,

Boydén,

Messrs. McMillan,

Pharr,

Dockery,
 Elliott,
 Halsey,
 Hargrave,
 Jefferson,
 Jeffreys,
 Joyner, (of H.)
 Joiner, (of P.),
 Lindsay,

Shepard,
 Smith,
 Stallings,
 Stowe,
 Waddell,
 Walker,
 Woodfin,
 Worth.—21.

The Speaker voted in the negative.

The Bill was then, on motion of Mr. Albright, laid on the table.

The Engrossed Bill, entitled a Bill to incorporate the Town of Monroe, in the County of Union; the Bill, entitled a Bill to amend an Act for the better regulation of the Town of Mocksville, in Davie County; and the Bill, entitled a Bill to keep open French Broad and Tennessee rivers, were taken up and severally read the third time and passed, and ordered to be Enrolled.

The Senate then took up the Bill, entitled a Bill to amend an Act, entitled an Act to punish the defaults of returning officers, in the election of Electors for President and Vice President of the United States,

The Bill to authorize the Court of Pleas and Quarter Sessions of Beaufort County to appoint special Justices of the Peace, and making compensation to such Justices, for certain services;

A Bill to authorize the Portsmouth and Roanoke Rail Road Company to charge tolls on their Bridge over Roanoke River, near the town of Weldon;

And the Bill to prohibit the levying of executions upon growing crops, until said crops are matured.

Which were severally read the third time and passed, and ordered to be Engrossed.

The Bill, entitled a Bill more effectually to prevent the imprisonment of Honest Debtors, was taken up, and on motion of Mr. Halsey, laid on the table.

The Senate then proceeded to take up the Engrossed Bill, entitled a Bill to extend the time for registering Grants, Mesne Conveyances, Powers of Attorney, Bills of Sale and Deeds of Gift;

A Bill, entitled a Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell;

And the Resolution in favor of W. T. Bain;

Which were severally read the third time and passed, and ordered to be Enrolled.

The Bill, entitled a Bill to amend the 75th Section of the 34th Chapter of the Revised Statutes, was taken up and read the third time, and on motion of Mr. Francis, indefinitely postponed, by the following vote,

Mr. Exum demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Boyd,
Cameron,
Elliott,
Etheridge,
Francis,
Gavin,
Gwynn,
Hargrave,
Hellen,
Hester,

Messrs. Holmes,
Lindsay,
Melvin,
Pasteur,
Reich,
Shepard,
Stallings,
Tayloe,
Wilson,
Worth.—21.

Those who voted in the negative, were

Messrs. Bogle,
Boyden,
Dockery,
Eaton,
Exum,
Halsey,
Jefferson,
Jeffreys,
Joyner, (of H.)
Joiner, (of P.)

Messrs. McMillan,
Pharr,
Smith,
Speight,
Stowe,
Thompson (of W.)
Tomlinson,
Walker,
Woodfin.—19.

On motion of Mr. Exum, the Senate adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment,

And took up the Engrossed Bill, entitled a Bill, to annex a part of Rutherford County to the County of McDowell;

And the Resolution relating to Smithville in Brunswick County,

Which were severally read the third time and passed, and ordered to be Enrolled.

The Bill, entitled a Bill to incorporate the Fayetteville Library Institute, in the town of Fayetteville, was taken up and read the third time and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, to authorize Samuel Chunn to establish a Toll Bridge over French Broad river in the County of Buncombe.

Which was read the third time, and on motion of Mr. Jefferson amended, and passed.

The Engrossed Resolution in favor of Wm. Dills, was taken up, read the third time and passed, and ordered to be Enrolled.

The Bill, entitled a Bill to amend an Act passed in 1836-'7, to incorporate the Town of Greensboro', in the County of Guilford, was taken up and read the third time and passed, and ordered to be Engrossed.

The Senate then took up the Engrossed Bill, entitled a Bill to incorporate the Town of Marion, in the County of McDowell, and to appoint Commissioners for the same;

And the Bill, authorizing the County Court of Lincoln County to exercise exclusive jurisdiction over the public road, which is the dividing line between the Counties of Lincoln and Cleveland.

Which were severally read the third time and passed, and ordered to be enrolled.

The Bill, entitled a Bill to incorporate the North Carolina Mining, Manufacturing and Land Association, was taken up, and on motion of Mr. Cameron, laid on the table.

The Resolution in favor of Jno. A. Averitt, Sheriff of Onslow County; and the Bill to incorporate the Town of Rockingham, in the County of Richmond, were taken up, and read the second time and passed.

Mr. Francis gave notice, that on Thursday next, he would move a suspension of the Rule of the Senate, requiring Bills to be read on three several days.

The Engrossed Bill, entitled a Bill to attach that part of Carteret County, known as Ocracoke, to Hyde County, was taken up, and on motion of Mr. Pasteur, laid on the table.

The Senate took up the Bill, entitled a Bill, to incorporate a Milling Company in the County of Anson.

Which was read the second time and passed.

The Bill, entitled a Bill, to amend and alter the 10th section of the 102d chapter of the Revised Statutes, was taken up, read the second time and rejected.

Mr. Halsey presented the following Resolution :

Resolved, That when the Senate adjourns, it adjourns to meet on Thursday next at o'clock.

Which was read and adopted by the following vote,

Mr. Melvin demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyd,
Drake,
Elliott,
Exum,
Francis,
Gavin,
Halsey,
Hellen,
Hill,
Jefferson,

Messrs. Joyner, (of H.)
McMillan,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of W.)
Tomlinson,
Waddell.—22.

Those who voted in the negative, were]

Messrs. Albright,
Boydén,
Cameron,
Dockery,
Eaton,
Etheridge,
Gwynn,
Hargrave,
Hester,

Messrs. Holmes,
Joiner, (of P.),
Lindsay,
Melvin,
Pasteur,
Pharr,
Walker,
Woodfin,
Worth.—18.

Received from the House of Commons a message, concurring in the Resolution of the Senate, that the two Houses adjourn *sine die* on Monday the 6th day of January next.

On motion of Mr. Eaton, the Senate adjourned until Thursday next, ten o'clock.

THURSDAY, DEC. 26, 1844.

The Senate met according to adjournment.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the petition of Jacob, Mary, Patsey, Meriwether, and Matilda, free persons of color of Virginia, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Biggs, from the Committee of Finance, to whom was referred a Bill, entitled a Bill, to transfer the Fund for Internal Improvement to the President and Directors of the Literary Fund of North Carolina; and a Resolution instructing them to enquire into the expediency of abolishing the Literary and Internal Improvement Boards, and that the powers of said Boards be vested in the officers of State, and the duties thereof required to be performed by them, reported the same to the Senate, with sundry amendments.

Which was read.

Mr. Albright presented the resignation of William G. Perry, a Justice of the Peace for the County of Chatham.

Which was read and accepted, and sent to the House of Commons.

The Speaker presented to the Senate a communication from the Public Treasurer, in relation to the correspondence between the Treasurer's Department and His Excellency, the Governor, relative to the legal right of the Governor to receive *per diem* compensation, as President *ex officio* of the Literary and Internal Improvement Boards.

Which was read, and on motion of Mr. Eaton, ordered to be printed, together with the accompanying documents.

The Senate took up the Engrossed Bill, entitled a Bill to amend the Sections of the Revised Statutes concerning Clerks and Registers.

Which was read the third time and passed.

Whereupon, Mr. Gavin moved that the vote, by which was passed the Engrossed Bill, to amend the Sections of the Revised Statutes concerning Clerks and Registers, be reconsidered.

Which motion was rejected by the following vote,

Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Hester,

Messrs. Hill,
Holmes,
Melvin,
Pasteur,
Reich,
Speight,
Stowe,
Tomlinson,
Walker,
Wilson.—21.

Those who voted in the negative, were

Messrs. Albright,
Boyden,
Dockery,
Elliott,
Francis,
Gwynn,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joiner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Stallings,
Tayloe,
Woodfin,
Worth.—21.

The Speaker voted in the negative.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bill and Resolution :

A Bill, providing for the appointment of Engrossing Clerks ;

A Resolution in favor of the Justices of the Peace of Haywood County ; in which they ask the concurrence of the Senate.

Said Bill and Resolution were read the first time and passed.

Mr. Francis moved that the vote, by which was passed the Bill to authorize Samuel Chunn to establish a toll-bridge over French Broad river, in the County of Buncombe, be reconsidered.

Which was agreed to.

The Bill was then, on his motion, laid on the table.

The Bill, entitled a Bill, to amend the Revised Statutes, entitled Courts of Equity ; and the Resolution in favor of Jno. A. Averitt, Sheriff of Onslow County, were taken up, read the third time and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, to incorporate a Milling Company in the County of Anson ; and the Bill, entitled a Bill, to incorporate the Town of Rockingham, in the County of Richmond.

The first named Bill was, on motion of Mr. Biggs, amended.

The Bills were then severally read and passed, and ordered to be Engrossed.

Mr. Francis, according to notice heretofore given, moved that the Rule requiring Bills to be read on three several days, should be suspended from Monday next, the balance of the Session.

The Resolution in favor of Anna Fanny was taken up, read the third time, and on motion of Mr. Worth, indefinitely postponed.

The Bill, entitled a Bill, to incorporate Washington Academy, in the County of Duplin, was taken up, read the second time, and passed.

Mr. Worth presented the resignation of P. G. Smith, a Justice of the Peace for the County of Anson.

Which was read and accepted, and sent to the House of Commons.

The Engrossed Bill, entitled a Bill, concerning the admissibility of evidence against the Sureties of Officers, was taken up, read the second time, amended on motion of Mr. Boyden, and passed.

On motion of Mr. Elliott, the Bill, entitled a Bill, concerning a Penitentiary, was taken up, read the second time, and amended on motion of Messrs. Francis and Elliott.

Mr. Edwards moved that the Bill and amendments be indefinitely postponed.

Which motion was decided in the negative, by the following vote,

Mr. Gavin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Boyden,
Drake,
Edwards,
Etheridge,
Francis,
Gavin,
Halsey,

Messrs. Hellen,
Holmes,
Jefferson,
Melvin,
Shepard,
Tomlinson,
Walker.—14.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Dockery,
Eaton,
Elliott,
Exum,
Gwynn,
Hargrave,
Hester,
Hill,
Joyner, (of H.)
Joiner, (of P.)

Messrs. Lindsay,
McMillan,
Pasteur,
Pharr,
Reich,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Waddell,
Wilson,
Woodfin,
Worth.—29.

The Bill then passed as amended.

The Engrossed Bill, entitled a Bill, to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, Buncombe, Henderson, Haywood, Macon, and Cherokee, original and exclusive jurisdiction in all cases, where the intervention of a Jury may be necessary, was taken up, read the second time and passed.

On motion of Mr. Francis, the Engrossed Resolution in favor of the Justices of the Peace of Haywood County, was taken up, read the second time and passed, and on motion of Mr. Dockery, was referred to the Committee of Propositions and Grievances.

The Engrossed Bill, entitled a Bill, on forms of criminal pleading, was taken up, and on motion of Mr. Boyden, laid on the table.

The Senate then took up the Bill, entitled a Bill, to complete the public road from Burnsville to the Tennessee line.

Which was read the second time and rejected.

The Bill, entitled a Bill, giving Equity Jurisdiction to the Courts of Law, in certain cases, was taken up and read the second time.

Mr. Boyden moved to amend it, by striking out the words, *Courts of Pleas and Quarter Sessions*.

Which was rejected.

The Bill then passed.

The Senate took up the Bill, entitled a Bill, compelling the Clerks of the County and Superior Courts, to issue executions within a certain time after the rise of their respective Courts.

Which was read the second time, and on motion of Mr. Francis, indefinitely postponed.

The Bill, entitled a Bill, to alter and amend the public road leading from Ashville in Buncombe County by way of Burnsville in Yancey County to the State line, was taken up, read the second time, and the amendments of the Committee adopted.

It was further amended, on motion of Mr. Woodfin, and then rejected by the following vote,

Mr. Melvin demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Elliott,
Francis,
Halsey,
Hellen,
Jefferson,
Joyner, (of H.)
Lindsay,
McMillan,

Messrs. Pharr,
Shepard,
Stowe,
Tayloe,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—19.

Those who voted in the negative, were

Messrs. Albright,
Biggs,

Messrs. Hester,
Hill,

Boyd,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,
Gavio,
Gwynn,
Hargrave,

Holmes,
Joiner, (of P.)
Melvin,
Pasteur,
Reich,
Smith,
Speight,
Stallings,
Tomlinson.—22.

The Bill, entitled a Bill, making an appropriation of five hundred dollars to remove obstructions in Pasquotank river, was taken up, read the second time, and rejected by the following vote,

Mr. Reich demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Boyden,
Elliott,
Etheridge,
Francis,
Halsey,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Lindsay,
McMillan,
Pharr,
Shepard,
Tayloe,
Waddell,
Walker,
Woodfin.—16.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,

Messrs. Hill,
Holmes,
Joiner, (of P.)
Melvin,
Pasteur,
Reich,
Smith,
Speight,
Stallings,
Stowe,
Tomlinson,
Wilson,
Worth.—26.

The Bill, entitled a Bill, concerning Deeds, Mortgages, and Assignments in Trust, was taken up, read the second time, and on motion of Mr. Eaton, amended.

Mr. Worth moved that the Bill be indefinitely postponed.

Which motion was decided in the negative,

Mr. Eaton demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Halsey

Hargrave,

Hellen,

Jefferson,

McMillan,

Messrs. Shepard,

Smith,

Stallings,

Taylor,

Worth.—11.

Those who voted in the negative, were

Messrs. Biggs,

Bogle,

Boyd,

Boyden,

Cameron,

Drake,

Eaton,

Edwards,

Etheridge,

Exum,

Francis.

Gavin,

Gwynn,

Hester,

Hill,

Messrs. Holmes,

Joyner, (of H.)

Joiner, (of P.)

Lindsay,

Melvin,

Pasteur,

Pharr,

Reich,

Speight,

Stowe,

Tomlinson,

Waddell,

Walker,

Woodfin.—29.

The Bill then passed by the following vote,

Mr. Drake demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,

Bogle,

Boyd,

Boyden,

Messrs. Hill,

Holmes,

Jefferson,

Joyner, (of H.)

Cameron,
Drake,
Eaton,
Elliott,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Hester,

Lindsay,
Pasteur,
Pharr,
Reich,
Speight,
Tomlinson,
Waddell,
Walker,
Woodfin.—27.

Those who voted in the negative, were

Messrs. Albright,
Edwards,
Halsey,
Hargrave,
Hellen,
Joiner, (of P.)
Melvin,

Messrs. McMillan,
Shepard,
Smith,
Stallings,
Stowe,
Tayloe,
Worth.—14.

Mr. Boyden presented a Bill, entitled a Bill, to amend the 10th Section of the 45th Chapter of the Revised Statutes.

Which was read the first time and passed.

The Bill, entitled a Bill, to amend the 77th Section of the 91st Chapter of the Revised Statutes, was taken up, read the second time, and on motion of Mr. Halsey, indefinitely postponed.

Received from the House of Commons a message, stating that they have amended the Engrossed Resolution in favor of Arthur S. Mooring, by substituting the following Resolution :

Resolved, That the Public Treasurer be, and he is hereby authorized and directed to pay to Arthur S. Mooring, Sheriff of Martin County, the sum of Fifty-five Dollars and Fifty cents—it being one-half of the amount of a penalty collected by him from George Staples, for unlawful peddling, and paid into the Public Treasury; interest being included in the above amount: and that the Public Treasurer be allowed the same in the settlement of his Public Account.

Which was read, and the amendment of the House of Commons agreed to, and the Resolution ordered to be Enrolled.

The Resolution in favor of Jno. H. Wheeler, Public Treasurer,

was taken up, read, and on motion of Mr. Elliott, laid on the table.

The Senate then took up the Engrossed Resolution concerning the Public Treasurer.

Which was read the second time.

Mr. Biggs offered the following amendment thereto :

“ WHEREAS, it appears by the report of the Committee on Finance, that Eighty-one Dollars have been erroneously paid to James Page, Door-keeper to the House of Commons at its last Session : Therefore,

Be it Resolved, That the Public Treasurer investigate the same, and take such steps as he shall see fit, for the recovery of said sum.”

Which was read.

On motion of Mr. Francis, the Resolution was re-committed, with the amendment of Mr. Biggs, to the Committee on Finance.

The Bill, entitled a Bill, to authorize the Wilmington and Raleigh Rail Road Company, to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company, was taken up, and on motion of Mr. Joyner, (of H) laid on the table.

The Senate then took up the Bill, entitled a Bill, to appoint Commissioners for the Town of Asheborough, in the County of Randolph, and to incorporate the same.

Which was read the second time and passed.

On motion of Mr. Speight, the Senate adjourned until to-morrow morning ten o'clock.

FRIDAY, DECEMBER 27, 1844.

The Senate met according to adjournment.

Mr. Smith presented a memorial from sundry citizens of the County of Anson, praying the Legislature to bring the subject of

Intemperance before the people at the next general Elections, for them in their sovereign capacity to signify at the ballot-box whether or not they are in favor of abolishing the law, which admits of granting license for the retail of Spirituous Liquors.

Which was read, and on motion of Mr. Jefferson, laid on the table.

Mr. Drake, from the Committee on Claims, to whom was referred a Resolution in favor of Wm. McCollum, reported the same to the Senate, and recommended its passage.

Which was read.

Mr. Drake, from the same Committee, to whom was referred the Resolution in favor of the Heirs of David Ivey, for a Military Land Warrant for one thousand Acres of Land, reported the same to the Senate, and recommended its adoption.

Which was read.

Mr. Elliott presented a Bill, entitled a Bill, to amend the 6th Section of the 61st Chapter of the Revised Statutes; which was read the first time and passed, and on his motion referred to the Committee on Internal Improvements.

Mr. McMillan presented a Bill, entitled a Bill to amend an Act passed in 1840-41, regulating Common Schools.

Which was read the first time and passed, and on motion of Mr. Lindsay, referred to the Committee on Education and the Literary Fund.

Mr. Halsey presented the following Resolution:

Resolved, That a message be sent to the House of Commons, proposing to raise a Committee of two on the part of the Senate, and four on the part of the House of Commons, to whom shall be referred the Governor's Message of December 23, in relation to the History of the State.

Which was read and adopted.

On motion of Mr. Francis, the vote of yesterday on the passage of the Engrossed Bill, entitled a Bill, to authorize Samuel Chunn to establish a Toll Bridge over French Broad river, in the County of Buncombe, was reconsidered.

The vote of yesterday, on the amendments proposed by Mr. Jefferson, were also reconsidered.

Whereupon, the question recurring on the passage of the said amendments, they were rejected.

The Bill was then, on motion of Mr. Francis amended, by ad-

ding a proviso to the 4th Section, and then passed, and sent to the House of Commons for their concurrence.

On motion of Mr. Halsey, the Bill, entitled a Bill, more effectually to prevent the imprisonment of Honest Debtors, was taken up and read the third time.

Mr. Stallings moved to amend the Bill, by striking out the first and second sections, and inserting the following:

That hereafter, no judgment creditor shall be authorized to issue a *capias ad satisfaciendum*, until after the return of a *feri facias*, stating the fact, that the defendant in execution has no goods or chattels, lands or tenements, upon which such *feri facias* can be levied.

Which was read.

Whereupon, Mr. Francis called for a division of the question, to strike out.

Which was decided in the negative, by the following vote:

Those who voted in the affirmative, were

Messrs. Exum and Stallings.

Those who voted in the negative, were

Messrs. Albright,

Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Etheridge,
Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,
Holmes,

Messrs. Jefferson,

Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Melvin,
McMillan,
Pasteur,
Pharr,
Reich,
Shepard,
Smith,
Speight,
Stowe,
Taylor,
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—41.

Mr. Worth moved that the Bill be postponed till the 4th of March next.

Which motion was decided in the affirmative, by the following vote,

Mr. Stallings calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Boyd,
Cameron,
Dockery,
Drake,
Elliott,
Exum,
Gavin,
Gwynn,
Hester,
Hill,
Holmes,

Messrs. Melvin,
Pasteur,
Reich,
Shepard,
Smith,
Stallings,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Worth.—23.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyden,
Eaton,
Edwards,
Etheridge,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,

Messrs. Joyner, (of H.)
Joiner, (of P.),
Lindsay,
McMillan,
Pharr,
Speight,
Stowe,
Tayloe,
Waddell,
Woodfin.—21.

The Senate proceeded to consider the order of the day, and took up the Bill, entitled a Bill, more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

Which was read the second time.

Pending the question, it was, on motion of Mr. Dockery, laid on the table until three o'clock this afternoon.

The Bill, entitled a Bill, to exempt from indictment the Peters-

burg Rail Road Company, for having obstructed the navigation of Roanoke river, near the Town of Weldon, by the erection of a Bridge across the said river, was, on motion of Mr. Shepard, taken up and read the second time.

Mr. Shepard moved to amend the Bill, by striking out all of the first section of the Bill, from the word "that," to the words, "Attorney General," in the second section.

Pending the question,

The Senate, on motion of Mr. Albright, adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the unfinished business of the morning, to-wit: the Bill, entitled a Bill, to exempt from indictment the Petersburg Rail Road Company, for having obstructed the navigation of Roanoke river, near the Town of Weldon, by the erection of a Bridge across the said river.

The question recurred on the amendment offered by Mr. Shepard.

Which was agreed to.

The Bill then passed as amended, and on motion of Mr. Joyner, was made the order of the day for Monday next.

Mr. Albright moved that the vote by which was rejected the Bill, entitled a Bill, to alter and amend the public road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancy County, to the State line, be reconsidered.

Which motion prevailed.

The Bill was then laid on the table.

Mr. Tayloe presented the petition of sundry citizens from the County of Beaufort, praying the Legislature to remove obstructions in the river Pungo; which was read, and on his motion referred to the Committee on Internal Improvement.

The Bill, entitled a Bill, more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same, was taken up.

Which was read, amended on motion of Messrs. Joyner and Dockery, and then rejected by the following vote,

Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Dockery,
Elliott,,
Francis,
Halsey,
Jefferson,
Joyner, (of H.)
McMillan,

Messrs. Pharr,
Reich,
Shepard,
Smith,
Stowe,
Tayloe,
Waddeil,
Walker,
Woodfin,
Worth.—20.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,

Messrs. Hellen,
Hester,
Holmes,
Joiner, (of P.)
Melvin,
Pasteur,
Speight,
Stallings,
Thompson, (of W.)
Tomlinson,
Wilson.—22.

Mr. Shepard moved that the vote, by which was rejected the Bill, entitled a Bill, more effectually to prevent the imprisonment of Honest Debtors, be reconsidered.

Which was agreed to.

The Bill was then, on motion of Mr. Waddell, laid on the table.

On motion of Mr. Hargrave, the Senate adjourned until to-morrow morning ten o'clock.

SATURDAY, DEC. 28, 1844.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have adopted the accompanying Report of the Joint Committee, in relation to the reception and qualification of the Governor elect.

Which was read and concurred in.

Received from the House of Commons a message, transmitting to the Senate the Message of His Excellency, the Governor, and accompanying Resolutions, from the Legislatures of various States; and also, the Message of His Excellency, and accompanying documents, from the Secretary of State of the United States, with a proposition that the last Message and accompanying documents be referred to the Joint Committee on the Library.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred a Resolution in favor of the Justices of the Peace of Haywood County, reported the same to the Senate, and recommended its passage.

Mr. Dockery, from the Committee on Finance, to whom was referred a Resolution, instructing them to enquire into the expediency of transferring the Clerk from the Treasury to the Comptroller's Office; and also, of the propriety of allowing the Treasurer to keep a Cash Book only; and also, the propriety of compelling the Agent of Cherokee Bonds to make a duplicate return to the Comptroller's Office, of all the monies collected from said Bonds, reported the two accompanying Bills: A Bill, entitled a Bill, concerning the Treasurer and Comptroller; and a Bill, entitled a Bill, concerning the Agents for collecting the Cherokee Land Bonds.

Which were read the first time and passed.

Mr. Cameron presented a Bill, entitled a Bill, to modify an Act concerning Slaves and free persons of color, passed in 1830.

Which was read the first time and passed.

Mr. Thompson, (of W.) presented the following Resolution:

Resolved, That the Public Treasurer be directed to pay to William Thompson, of Raleigh, the sum of ninety-three dollars and fifty cents, it being the amount of his claim accompanying this Resolution, for repairs done the furniture belonging to the Capitol, including, also, the funeral expenses of the late Jno. L. Foreman, Senator from the County of Pitt.

Which was read the first time and passed, and on his motion referred to the Committee on Claims.

Mr. Reich presented the following Resolution :

Resolved, That the Committee on Education and the Literary Fund be instructed to enquire into the expediency of amending the Common School Law, so as to authorize the School Committees to expel from the Schools unruly scholars, and to give to the citizens of Districts the selection of Teachers.

Which was read and adopted.

Mr. Francis presented a Bill, entitled a Bill, fixing the time at which the Superior Courts of Law, and Courts of Equity, and the non-jury Courts of Pleas and Quarter Sessions, shall be held in the Seventh Judicial Circuit.

Which was read the first time and passed.

The Engrossed Bill, entitled a Bill, concerning the admissibility of evidence against the Sureties of Officers, and others, was taken up, read the third time, amended on motion of Mr. Francis, and passed, and ordered to be sent to the House of Commons for their concurrence.

The Senate took up the Bill, entitled a Bill, concerning a Penitentiary.

Which was read the third time, amended on motion of Mr. Elliott, and passed, and ordered to be Engrossed.

On motion of Mr. Waddell, the Report of the Committee on this subject, was ordered to be printed, ten copies for each member.

The Engrossed Bill, entitled a Bill, to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, Buncombe, Henderson, Haywood, Macon, and Cherokee, original and exclusive jurisdiction, in all cases where the intervention of a Jury may be necessary, was taken up.

Which was read the third time, and on motion of Mr. Francis amended, passed, and ordered to be sent to the House of Commons for their concurrence.

Mr. Hellen moved that the vote, by which was rejected the Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same, be reconsidered.

Which motion prevailed by the following vote,

Mr. Exum calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Bogle,
Boyden,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Holmes,
Jefferson,
Jeffreys,
Joyner, (of H.)
Joiner, (of P.)

Messrs. McMillan,
Pasteur,
Pharr,
Reich,
Shepard,
Smith,
Speight,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Woodfin,
Worth.—29.

Those who voted in the negative, were

Messrs. Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,

Messrs. Gavin,
Gwynn,
Hester,
Hill,
Melvin,
Wilson.—13.

Whereupon, on motion of Mr. Francis, the Bill was laid on the table, and made the order of the day for Tuesday next.

Mr. Francis moved that he be permitted to withdraw from the files of the Senate, the Report of the Committee on the debts due for Cherokee Lands, and that it be printed.

Which motion prevailed.

The Bill, entitled a Bill, to incorporate Washington Academy, in the County of Duplin, was taken up, read the third time and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, giving Equity Jurisdiction to the Courts of Law, in certain cases.

Which was read the third time and rejected, by the following vote,

Mr. Albright calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Gavin,
Gwynn,
Halsey,
Hellen,

Messrs Hester,
Hill,
Jefferson,
Jeffreys,
Joyner, (of H.)
Melvin,
Reich,
Shepard,
Speight,
Stowe,
Walker.—22.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Dockery,
Elliott,
Exum,
Francis,
Hargrave,
Holmes,
Joiner, (of P.)
Lindsay,

Messrs. McMillan,
Pasteur,
Pharr,
Smith,
Stallings,
Tayloe,
Thompson, (of W.)
Tomlinson,
Wilson,
Worth.—21.

The Speaker voted in the negative.

On motion of Mr. Joyner, the Bill, entitled a Bill, in favor of Poor Debtors, was taken up and read the third time, and on motion of Messrs. Joyner, (of H.) and Edwards, amended, and passed by the following vote,

Mr. Holmes calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Bogle,
Boyden,
Eaton,

Messrs. Joiner, (of P.)
Lindsay,
Melvin,
McMillan,
Pasteur,

Etheridge,	Pharr,
Exum,	Reich,
Francis,	Smith,
Gwynn,	Speight,
Halsey,	Stallings,
Hargrave,	Stowe,
Hellen,	Tayloe,
Hester,	Thompson, (of W.)
Hill,	Waddell,
Jefferson,	Walker,
Jeffreys,	Wilson,
Joyner, (of H.)	Woodfin.—34.

Those who voted in the negative, were

Messrs. Boyd,	Messrs. Gavin,
Cameron,	Holmes,
Dockery,	Shepard,
Drake,	Tomlinson,
Edwards,	Worth.—11.
Elliott,	

Ordered that said Bill be Engrossed.

The Bill, entitled a Bill, to prevent frauds in levying executions issued by a single Magistrate upon lands, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under execution, was taken up, read the third time, amended on motion of Messrs. Hargrave and Albright, passed, and ordered to be Engrossed.

The Bill, entitled a Bill, more effectually to prevent the imprisonment of Honest Debtors was taken up and read the third time, and on motion of Mr. Biggs amended, and passed by the following vote,

Mr. Stallings demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Hill,
Biggs,	Jefferson,
Bogle,	Jeffreys,
Boyden,	Joyner, (of H.)

Eaton,
 Edwards,
 Elliott,
 Etheridge,
 Francis,
 Gwynn,
 Halsey,
 Hargrave,
 Hellen,

Joiner, (of P.)
 Lindsay,
 McMillan,
 Pharr,
 Speight,
 Tayloe,
 Waddell,
 Woodfin.—25,

Those who voted in the negative, were

Messrs. Boyd,
 Cameron,
 Dockery,
 Drake,
 Exum,
 Gavin,
 Hester,
 Holmes,
 Melvin,
 Pasteur,

Reich,
 Shepard,
 Smith,
 Stallings,
 Thompson, (of W.)
 Tomlinson,
 Walker,
 Wilson,
 Worth.—19.

Ordered that said Bill be Engrossed.

Mr. Joyner, (of H.) from the Committee of Internal Improvement, to whom was referred a Bill to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia, reported the same to the Senate with sundry amendments.

Which was read.

The Bill, entitled a Bill, concerning Deeds, Mortgages, and Assignments in Trust, was taken up, and read the third time.

Mr. Worth moved that the Bill be postponed till the 4th of March next.

Which was decided in the negative by the following vote,

Mr. Boyden calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
 Dockery,

Messrs. McMillan,
 Pasteur,

Edwards,
Elliott,
Etheridge,
Francis,
Hargrave,
Hellen,
Holmes,
Joiner, (of P.),
Melvin,

Reich,
Shepard,
Smith,
Stallings,
Stowe,
Tayloe,
Thompson, (of W.),
Worth.—21.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Drake,
Eaton,
Exum,
Gavin,
Gwynn,
Halsey,
Hester,

Messrs. Jefferson,
Jeffreys,
Joynes, (of H.),
Lindsay,
Pharr,
Speight,
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin.—23

The Bill was then, on motion of Mr. Halsey, laid on the table.
On motion of Mr. Tomlinson, the Senate adjourned until three o'clock, P. M.

—
THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate:

A Resolution in favor of Samuel Watters;

A Resolution in favor of Lewis H. Marsteller ;

A Bill to amend an Act to incorporate the Fayetteville Riflemen, of the County of Cumberland, passed in 1842 ;

A Bill to incorporate the Newbern Mechanics Association ;

And a Bill to prevent the selling of timber in the water courses of the County of Guilford ;

Which were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate :

A Bill to incorporate the Phoenix Fire Company, in the Town of Elizabeth City ;

A Bill, supplemental to an Act passed at the General Assembly of 1842-3, entitled an Act to lay off and establish a County by the name of McDowell ;

A Bill extending the jurisdiction of Justices of the Peace over Judgments, and amendatory of the sixth Section of the Revised Statutes, entitled Justices of the Peace ; and the 40th Section of the Revised Statutes, entitled Courts, County and Superior ;

A Resolution in favor of John Hill and others ;

A Bill concerning the Superior Courts of Currituck County ;

A Bill to alter the times of holding the Courts of Pleas and Quarter Sessions for the County of Beaufort ;

A Resolution in favor of Thomas J. Roane ;

And a Resolution in favor of Morris K. Taylor and C. Kephart ;

Which were severally read the first time and passed.

The Bill, entitled a Bill, to appoint Commissioners for the Town of Asheboro', in the County of Randolph, and to incorporate the same, was taken up, read the third time and passed, and ordered to be Engrossed.

On motion of Mr. Woodfin, the Bill, entitled a Bill, to lay off and establish a Turnpike Road from the City of Raleigh to the Buncombe Turnpike Road, and thence to the Georgia line, was taken up, ordered to be printed, and made the order of the day for Tuesday next.

On motion of Mr. Edwards, the Senate adjourned until Monday morning ten o'clock.

MONDAY, DEC. 30, 1844.

The Senate met according to adjournment.

The Speaker announced to the Senate, that Messrs. Halsey and Gwynn form the Committee on Enrolled Bills the present week, and the House of Commons was informed thereof by message.

Mr. Cameron presented the memorial of the Magistrate of Police and Commissioners of the Town of Fayetteville, praying the Legislature for the passage of a Law, defining and extending the Western boundary of said Town.

Which was read, and on his motion referred to the Committee of Propositions and Grievances.

Mr. Jefferson presented a petition from sundry citizens of the County of Rutherford, praying the Legislature for the erection of a new County.

Which was referred, on his motion, to the Committee of Propositions and Grievances.

Mr. Reich presented a petition from sundry citizens of Stokes County, praying the Legislature for the erection of a new County out of parts of Stokes and Davidson, accompanied with a Bill, entitled a Bill, to lay off and establish a new County by the name of Jefferson; which was read the first time and passed, and on his motion referred to the Committee on Propositions and Grievances.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the Bill, entitled a Bill, to amend the first section of an Act, entitled an Act to amend the several Acts now in force, to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers and their water courses, and the Albemarle Sound, passed in the year 1824, reported the same to the Senate with an amendment, and recommended its passage.

Which was read.

Mr. Lindsay, from the Committee on Education and the Literary Fund, to whom was referred the subject of Common Schools, reported a Bill, entitled a Bill, to consolidate and amend the acts heretofore passed on the subject of Common Schools.

Which was read the first time and passed, and ordered to be printed.

Mr. Dockery, from the Committee of Finance, to whom was re-committed the Resolution concerning the Public Treasurer, reported the same to the Senate with the accompanying documents.

Which was read and ordered to be printed.

Mr. Speight moved that the vote, by which was passed the Bill, entitled a Bill, more effectually to prevent the imprisonment of Honest Debtors, be reconsidered.

Which motion prevailed by the following vote,

Mr. Boyden demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Holmes,
Boyd,	Melvin,
Cameron,	Moody,
Cowper,	Pasteur,
Dockery,	Reich,
Drake,	Smith,
Eaton,	Speight,
Elliott,	Stallings,
Exum,	Thompson, (of W.)
Gavin,	Tomlinson,
Gwynn,	Walker,
Hargrave,	Wilson,
Hester,	Worth.—27.
Hill,	

Those who voted in the negative, were

Messrs. Biggs,	Messrs. Joiner, (of P.)
Bogle,	Lindsay,
Boyden,	McMillan,
Edwards,	Pharr,
Etheridge,	Shepard,
Francis,	Stowe,
Halsey,	Tayloe,
Hellen,	Thompson, (of B.)
Jefferson,	Waddell,
Jeffreys,	Woodfin.—21.
Joyner, (of H.)	

The Bill was then read again, and passed by the following vote,
Mr. Holmes demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Joyner, (of H.)
Biggs,	Joiner, (of P.)
Bogle,	Lindsay,
Boyden,	McMillan,
Dockery,	Moody,
Edwards,	Pharr,
Etheridge,	Shepard,
Francis,	Stowe,
Halsey,	Talloe,
Hargrave,	Thompson, (of B.)
Hellen,	Waddell,
Jefferson,	Woodfin.—25.
Jeffreys,	

Those who voted in the negative, were

Messrs. Boyd,	Messrs. Melvin,
Cameron,	Pasteur,
Cowper,	Reich,
Drake,	Smith,
Eaton,	Speight,
Elliott,	Stallings,
Exum,	Thompson, (of W.)
Gavin,	Tomlinson,
Gwynn,	Walker,
Hester,	Wilson,
Hill,	Worth.—23.
Holmes,	

Said Bill was ordered to be Engrossed.

Mr. Stallings presented a Bill, entitled a Bill, to authorize the Sheriff of Gates County, to collect arrearages of Taxes.

Which was read the first time and passed, and on his motion was referred to the Committee of Propositions and Grievances.

Mr. Wilson, from the Committee on Education and the Literary Fund, to whom was referred the Bill to amend an Act passed in 1840-41, regulating Common Schools, reported the same to the Senate.

Which was, on his motion, laid on the table.

Mr. Wilson, from the same Committee, to whom was referred

the Bill declaratory of the 6th section of the 7th chapter of the Acts of the General Assembly of 1840-41, entitled an Act for the establishment and better regulation of Common Schools, reported the same to the Senate.

Which was, on his motion, laid on the table.

Mr. Wilson, from the same Committee, to whom was referred the Resolution to enquire into the expediency of amending the Common School Law, so as to authorize the School Committees to expel from the Schools unruly Scholars, and to give to the citizens of districts, the selection of Teachers, reported the same to the Senate.

Which was laid on the table.

On motion of Mr. Joyner, (of H.) the Bill, entitled a Bill, to authorize the Wilmington and Raleigh Rail Road Company, to issue Bonds to the amount of One Hundred Thousand Dollars, to redeem a like amount of Bonds, issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company, was taken up, and read the second time.

Mr. Cameron moved to amend the Bill, by adding to the first section, the following *Proviso* :

Provided, That in addition to the Mortgage which the State has upon the Road, the Stockholders in said Company shall give their individual bonds to the State, in a sum or sums sufficient to cover the liabilities of the individual Stockholders, for the amount which the State has already advanced on account of the said Road, and for their proportion of the amount as Stockholders in said Company, the State is now liable for, with the accruing interest.

Pending the question,

The Senate, on motion of Mr. Dockery, adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate :

A Bill to amend an Act, entitled an Act, for the establishment and better regulation of Common Schools;

A Bill to repeal in part the eleventh Section of the sixty-second Chapter of the Revised Statutes, concerning the powers and jurisdiction of Justices of the Peace, and to amend the same;

A Bill in addition to the Revised Statutes, entitled Wills and Testaments, to amend the same and to repeal part of the 15th Section of the Revised Statutes, entitled Lands of Deceased Debtors;

Which were severally read the first time and passed.

Mr. Cameron presented a memorial from sundry citizens of the Town of Fayetteville, remonstrating against extending the limits of said Town; which was, on his motion, referred to the Committee on Propositions and Grievances.

Mr. Cowper presented a Bill, entitled a Bill to incorporate the Washington Lodge No. 3, of the Independent Order of Odd Fellows in Murfreesborough.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they concur in the amendment of the Senate, to the Engrossed Bill, entitled a Bill, concerning the admissibility of evidence against the Sureties of Officers;

And, also, in the amendments to the Bill, entitled a Bill, to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, &c.:

And further, stating that they have passed the Engrossed Bill, extending the time for perfecting titles to lands heretofore entered. In which they ask the concurrence of the Senate.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution in favor of Priscilla Goodwin, in which they ask the concurrence of the Senate.

Said Resolution was read the first time and passed.

Received from the House of Commons a message, stating that they concur in the several amendments made by the Senate, to the Engrossed Bill to amend the Sections of the Revised Statutes concerning Clerks and Registers.

And to the Engrossed Bill, to authorize Samuel Chunn to establish a Toll Bridge over French Broad river in the County of Buncombe.

Received from the House of Commons a message, therein trans-

mitting to the Senate the resignation of George E. Badger as a member of the Board of Trustees of the University.

Which was read and accepted.

The Senate then took up the unfinished business of the morning, to-wit: the Bills to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of one hundred thousand dollars, to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company.

The question was taken on the amendment proposed by Mr. Cameron.

Which was decided in the affirmative, by the following vote:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
McMillan,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—26.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hellen,
Joiner, (of H.)
Joiner, (of P.)

Messrs. Lindsay,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of P.)
Waddell,
Woodfin,
Worth.—21.

The Bill was then rejected by the following vote,
Mr. Melvin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cameron,
Dockery,
Holmes,

Messrs. Lindsay,
Pharr,
Shepard,
Smith,
Tayloe,
Woodfin.—12.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cowper,
Drake,
Eaton,
Edwards,
Elliott,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,

Messrs. Jeffreys,
Joyner, (of H.)
Joiner, (of P.),
Melvin,
McMillan,
Moody,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Worth.—34.

Received from the House of Commons, the resignations of J. Roberts, a Justice of the Peace for the County of Rockingham, and Wm. Merritt, a Justice of the Peace for the County of Chatham. Which were read and accepted.

The Resolution in favor of William McCollum, was taken up, read the second time, and passed.

Mr. Holmes moved that the Senate adjourn until half past six o'clock this evening.

Which motion was decided in the negative, by the following vote:

Those who voted in the affirmative, were

Messrs. Boyden,
Dockery,
Elliott,
Gwynn,
Halsey,
Hargrave,
Hellen,

Messrs. Hester,
Holmes,
Joiner, (of P.)
Lindsay,
Melvin,
Pasteur,
Pharr.—14.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,
Etheridge,
Francis,
Gavin,
Hill,

Messrs. Jefferson,
Joyner, (of H.)
McMillan,
Reich,
Smith,
Speight,
Thompson, (of W.)
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—25.

On motion of Mr. Jefferson, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, DEC. 31, 1844.

The Senate met according to adjournment.

Mr. Cameron, from the Committee to whom was referred the

Resolution in relation to the death of the late Wm. Gaston, reported the following Resolution :

Resolved, by the General Assembly of the State of North Carolina, That in the death of William Gaston, one of the Judges of the Supreme Court, the State has experienced a loss of one of its most patriotic citizens, a faithful public servant, and a learned and impartial Judge. That in the course of a long and brilliant life, his bright career is left to us an example worthy of all imitation, and his unsullied character one of the brightest jewels of the State. That the Governor of the State transmit a copy of these Resolutions, with the Preamble, to the family of the deceased, and that they be spread on the Journals of both branches of the General Assembly.

Which was read and adopted.

Mr. Francis presented the following Preamble and Resolution :

WHEREAS, it appears from the important business as yet unacted upon by the Legislature, that in justice to the State and our constituents, we cannot by any means adjourn on the 6th proximo. Therefore,

Resolved, That a message be sent to the House of Commons, proposing to rescind the Joint Resolution heretofore adopted, of adjourning on the 6th of January 1845.

Which was read and rejected by the following vote,
Mr. Holmes demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Dockery,
Elliott,
Francis,
Gavin,
Halsey,
Hellen,

Messrs. Jefferson,
Joyner, (of H.)
Lindsay,
Moody,
Pharr,
Smith,
Stowe,
Woodfin.—16.

Those who voted in the negative, were

Messrs. Albright,
Biggs,

Messrs. Joiner, (of P.)
Melvin,

Boyd,
Cameron,
Cowper,
Eaton,
Edwards,
Etheridge,
Exum,
Hester,
Hill,
Holmes,
Jeffreys,

McMillan,
Pasteur,
Reich,
Shepard,
Speight,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson.—23.

The Resolution in favor of Wm. McCollum, was taken up, read the third time, and rejected by the following vote,
Mr. Francis calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Elliott,
Hargrave,
Hellen,
Joyner, (of H.)
Lindsay,
Moody,

Messrs. Pasteur,
Pharr,
Smith,
Stallings,
Waddell,
Worth.—13.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Boyd,
Boyden,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Francis,
Gavin,

Messrs. Hill,
Holmes,
Jefferson,
Jeffreys,
Joiner, (of P.)
Melvin,
McMillan,
Reich,
Shepard,
Speight,
Stowe,
Thompson, (of B.)
Thompson (of W.)
Tomlinson,

Gwynn,
Halsey,
Hester,

Walker,
Wilson,
Woodfin.—34.

Mr. Drake, from the Committee on Claims, to whom was referred the Resolution in favor of William Thompson, for the funeral expenses of the late John L. Foreman, and other items, reported the same to the Senate without amendment, and recommended its passage.

Mr. Boyden presented a Bill, entitled a Bill, proposing an amendment to the Constitution of the State.

Which was read the first time and passed.

On motion of Mr. Francis, the Engrossed Bill, entitled a Bill, extending the time for perfecting titles to lands heretofore entered, was taken up and read the second time, amended on motion of Mr. Francis, and passed.

Mr. Francis then moved that the Rules of the Senate be suspended, so as to read the Bill a third time.

The Bill was then read a third time and passed, and ordered to be sent to the House of Commons for their concurrence.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution in relation to the Public Treasurer, in which they ask the concurrence of the Senate.

Which was read the first, second, and third times, and passed, and ordered to be Enrolled.

Mr. Dockery presented the following Preamble and Resolution :

WHEREAS, it appears by the Comptroller's Report, that the sum of four hundred and twenty dollars have been paid by the Treasurer, to the Clerk of the Board of Internal Improvement, employed by him since he came into office :

Be it therefore Resolved, That the Committee on Finance enquire what amount of service has been rendered by said Clerk, and whether there are any other claims against the State for similar services ; and that they report by bill or otherwise.

Which was read and adopted.

Mr. Francis gave notice to the Senate, that he would to-morrow move to suspend the latter part of the 15th Rule of the Senate, which requires Bills to be retained until 12 o'clock the day after their passage.

On motion of Mr. Dockery, the Resolution in favor of Jno. H. Wheeler, Public Treasurer, was taken up, read the second time and passed.

The Senate took up the Bill, entitled a Bill, more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

Which was read the second time, amended on motion of Mr. Francis, and passed by the following vote,

Mr. Melvin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,

Boyden,

Cameron,

Dockery,

Edwards,

Elliott,

Francis,

Halsey,

Hellen,

Holmes,

Jefferson,

Jeffreys,

Messrs. Joyner, (of H.)

Lindsay,

McMillan,

Pharr,

Reich,

Shepard,

Stowe,

Waddell,

Walker,

Wilson,

Woodfin,

Worth.—24.

Those who voted in the negative, were

Messrs. Albright,

Biggs,

Boyd,

Cowper,

Drake,

Eaton,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Messrs. Joiner, (of P.)

Melvin,

Moody,

Pasteur,

Smith,

Speight,

Stallings,

Tayloe,

Thompson, (of B.)

Thompson, (of W.)

Tomlinson.—22.

The Bill was then, on motion of Mr. Francis, read the third time, amended on motion of Mr. Stowe, and passed by the following vote,

Mr. Hester calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,

Boyden,

Cameron,

Dockery,

Edwards,

Elliott,

Francis,

Halsey,

Hargrave,

Hellen,

Hill,

Holmes,

Jefferson,

Jeffreys,

Messrs. Joyner, (of H.)

Lindsay,

McMillan,

Pharr,

Reich,

Shepard,

Smith,

Stowe,

Waddell,

Walker,

Wilson,

Woodfin,

Worth.—27.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cowper

Drake,

Eaton,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Messrs. Joiner, (of P.)

Melvin,

Moody,

Speight,

Stallings,

Tayloe,

Thompson, (of B.)

Thompson, (of W.)

Tomlinson.—19.

Ordered that said Bill be Engrossed.

The Bill, entitled a Bill, to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia, was taken up, read the second time and amended.

Pending the question,

The Senate, on motion of Mr. Cameron, adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolution, in which they ask the concurrence of the Senate :

A Bill for the relief and benefit of Orphans ;

A Bill to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property ;

A Bill to secure to the citizens of this State the right of fishing in the navigable waters of this State ;

A Bill to amend an Act to incorporate the President, Directors and Company of the Yadkin Toll Bridge ;

A Resolution relating to the Committee Rooms in the Capitol ;

The above named Bills and Resolution were read the first time and passed, except the fourth named Bill, which was read the first, second and third times and passed, and ordered to be Enrolled.

Received from the House of Commons a message, informing the Senate that Messrs. Doak, Washington, Scales and Nixon form the Committee on their part, to whom shall be referred, under the Joint Order of the two Houses, the Message of His Excellency, the Governor, relating to the History of the State.

Whereupon, the Speaker announced to the Senate, that Messrs. Halsey and Walker form the Committee on the part of the Senate, on said subject ; and the House of Commons was informed thereof by message.

The Senate then took up the unfinished business of the morning, to-wit : the Bill, entitled a Bill, to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia.

Which was, on motion of Messrs. Cameron and Shepard, amended, and rejected by the following vote,

Mr. Tomlinson demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,

Messrs. Joyner, (of H.)
Lindsay,
McMillan,

Cameron,
Dockery,
Edwards,
Elliott,
Francis,
Halsey
Hellen,
Jefferson,

Pharr,
Shepard,
Smith,
Tayloe,
Waddell,
Woodfin,
Worth.—21.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cowper,
Drake,
Eaton,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,
Holmes,
Jeffreys.

Messrs. Joiner, (of P.)
Melvin,
Moody,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—27.

Received from the House of Commons a message, transmitting to the Senate a Message from his Excellency, the Governor, with a proposition to print the same for the use of the two Houses; and further, proposing that a Joint Select Committee, to consist of three on the part of each House, be raised, to enquire into and report upon the same, and the matters therewith connected.

Which was read, and referred to the Committee according to the proposition of the House of Commons, and ordered to be printed.

Whereupon, the Speaker announced to the Senate, that Messrs. Waddell, Biggs and Woodfin form our Committee on said subject; and the House of Commons was informed thereof by message.

The Resolution requesting the payment by the General Government, of the fourth instalment due under the Deposit Act, was taken up.

Mr. Biggs moved to amend the Preamble and Resolutions, by striking out all after the word "Preamble," and inserting the following in lieu thereof:

" WHEREAS, the General Government is now in debt about twenty-four millions of dollars; and whereas, it appears by the late Message of the President of the United States, that there will be in the Treasury of the United States at the close of the fiscal year, about seven millions of dollars, which has unnecessarily accumulated under the operation of the present high Tariff, but which can be applied to the payment of the National debt by the creation of a sinking fund for that purpose, and an unnecessary surplus in future can be prevented by a reduction of the taxes, according to the recommendation of said Message, and the Report of the Secretary of the Treasury; and although the present General Assembly is somewhat embarrassed in consequence of payments made, and to be made for Rail Roads, yet North Carolina is willing and able, as she has always been, to meet her own liabilities without supplicating the General Government for relief:

Be it therefore Resolved, That the Senators from this State be instructed, and the Representatives requested, to use their utmost exertions to reduce the present Tariff to the wants of the Government, economically administered, and to apply any surplus in the Treasury to the extinguishment of the present National Debt.

Pending the question,

The Senate, on motion of Mr. Biggs, adjourned until to-morrow morning ten o'clock.

WEDNESDAY, JANUARY 1, 1845.

The Senate met according to adjournment.

Mr. Waddell, from the Committee on the Judiciary, to whom

was referred a Bill to prescribe the manner of appointing Engrossing Clerks, reported the same to the Senate, with sundry amendments.

Which was read.

Mr. Waddell, from the same Committee, to whom was referred a Resolution directing an enquiry into the expediency of so amending the Law, as to make Warrants of Magistrates returnable in the district, in which the defendants in said Warrants reside, reported a Bill, entitled a Bill, concerning the return of Civil Process before Magistrates.

Which was read the first time and passed.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the Bill, entitled a Bill, to lay off and establish a new County by the name of Jefferson, reported the same to the Senate, and asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Bill to amend the fifth section of an Act, entitled an Act, concerning the power and jurisdiction of Justices of the Peace, reported adversely thereto.

Which was read and concurred in.

Mr. Gwynn, from the Committee of Propositions and Grievances, to whom was referred the Bill to authorize the Sheriff of Gates County to collect arrearages of Taxes, reported the same to the Senate, and asked to be discharged from its further consideration.

Mr. Joyner, (of H.) from the Committee on Internal Improvement, to whom was referred a Bill to amend the 6th Section of the 61st Chapter of the Revised Statutes, reported the same to the Senate with an amendment.

Which was read.

Mr. Reich presented the following Resolution :

Resolved, That the Committee on the Judiciary be instructed to enquire into the laws regulating the laying off widows' dowers, and report by bill or otherwise, whether or not it be expedient to so amend them as to lessen the cost thereon.

Which was read and adopted.

Received from the House of Commons a message, stating that

they have passed the Engrossed Bill, entitled a Bill, to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road, in which they ask the concurrence of the Senate.

Which was read the first time and passed, and on motion of Mr. Shepard, made the order of the day for Friday next, at 11 o'clock.

On motion of Mr. Eaton, the Bill, entitled a Bill, concerning Deeds, Mortgages and Assignments in Trust, was taken up and read the third time.

Pending the question, a message was sent from the House of Commons, stating that the hour of twelve, heretofore fixed upon by Joint Order of the two Houses, for the reception and qualification of His Excellency, Governor Graham, having nearly arrived, the House of Commons respectfully inform the Senate that they are ready to receive them in their Hall, preparatory to said purpose.

Whereupon, the Senators repaired to the House of Commons.

The Senators having witnessed the qualification of Governor Graham, returned to the Senate Chamber, and took up the unfinished business, to-wit: the Bill, entitled a Bill, concerning Deeds, Mortgages, and Assignments in Trust.

Which was, on motion of Mr. Francis, indefinitely postponed by the following vote:

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Melvin,
Cameron,	McMillan,
Cowper,	Pasteur,
Dockery,	Reich,
Edwards,	Shepard,
Elliott,	Smith,
Francis,	Stallings,
Halsey,	Stowe,
Hargrave,	Taylor,
Hellen,	Wilson,
Holmes,	Worth.—23
Joiner, (of P.)	

Those who voted in the negative, were

Messrs. Biggs,	Messrs. Jefferson,
Bogle,	Jeffreys,

Boyd,
 Boyden,
 Drake,
 Eaton,
 Etheridge,
 Exum,
 Gavin,
 Gwynn,
 Hester,
 Hill,

Joyner, (of H.)
 Lindsay,
 Pharr,
 Speight,
 Thompson, (of B.)
 Thompson, (of W.)
 Waddell,
 Walker,
 Woodfin.—23.

The Speaker voted in the affirmative.

The Bill, entitled a Bill, to exempt from indictment the Petersburg Rail Road Company, for having obstructed the navigation of Roanoke river, near the Town of Weldon, by the erection of a Bridge across the said river, was taken up, read the third time, and amended on motion of Messrs. Joyner, (of H.) Shepard and Francis.

Mr. Worth moved to reconsider the vote by which was adopted the amendment of Mr. Shepard, as the fourth section of the Bill.

Which motion was decided in the negative,

Mr. Thompson, (of B.) calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Boyd,
 Cameron,
 Cowper,
 Dockery,
 Drake,
 Elliott,
 Francis,
 Gavin,
 Halsey,
 Hargrave,

Messrs. Joyner, (of H.)

Lindsay,
 Moody,
 Pasteur,
 Smith,
 Stowe,
 Waddell,
 Walker,
 Wilson,
 Woodfin,
 Worth.—2

Those who voted in the negative, were

Messrs. Biggs,

Bogle,
 Boyden,

Messrs. Jeffreys,

Joiner, (of P.)
 Melvin,

Eaton,
 Edwards,
 Etheridge,
 Exum,
 Gwynn,
 Hellen,
 Hester,
 Hill,
 Holmes,
 Jefferson,

McMillan,
 Pharr,
 Reich,
 Shepard,
 Speight,
 Stallings,
 Tayloe,
 Thompson, (of B.)
 Thompson, (of W.)
 Tomlinson.—26.

The Bill then passed by the following vote,
 Mr. Francis calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,
 Bogle,
 Boyd,
 Boyden,
 Cameron,
 Cowper
 Dockery,
 Drake,
 Eaton,
 Edwards,
 Elliott,
 Etheridge,
 Exum,
 Gavin,
 Gwynn,
 Hargrave,
 Hester,
 Hill,
 Holmes,
 Jefferson,

Messrs. Jeffreys,

Joyner, (of H.)
 Joiner, (of P.)
 Lindsay,
 Melvin,
 McMillan,
 Moody,
 Pasteur,
 Pharr,
 Reich,
 Shepard,
 Smith,
 Speight,
 Stallings,
 Stowe,
 Tayloe,
 Thompson, (of W.)
 Tomlinson,
 Waddell,
 Wilson,
 Woodfin.—42.

Those who voted in the negative, were

Messrs. Francis,
 Halsey,
 Hellen,

Messrs. Thompson, (of B.)
 Walker,
 Worth.—6.

Ordered that said Bill be Engrossed.

On motion of Mr. Waddell, the Senate took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that Messrs. Poindexter, Atkins and Mebane form the Joint Committee on their part, upon the Governor's Message of the 30th. Dec. last, in relation to the late Report of the Treasurer, and the Governor's right to receive *per diem* compensation as a member of the Literary and Internal Improvement Boards.

Received from the House of Commons sundry resignations of Justices of the Peace, transmitted to the Legislature by His Excellency, the Governor.

Which were read and accepted.

Mr. Francis moved that a message be sent to the House of Commons, proposing that the Joint Resolution of both Houses, to adjourn *sine die* on Monday, the 6th instant, be rescinded.

Which was agreed to by the following vote,

Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Francis,

Gavin,

Halsey,

Jeffreys,

Joiner, (of H.)

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Pharr,

Shepard,

Smith,

Stallings,

Stowe,

Thompson, (of B.)

Waddell,

Worth.—22.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cameron,

Eaton,

Etheridge,

Gwynn,

Hester,

Messrs. Hill,

Holmes,

Melvin,

Pasteur,

Reich,

Speight,

Walker.—14.

Mr. Thompson, (of B.) moved that the vote by which was rejected the Bill, entitled a Bill, to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, and thence to the line of the State of Georgia, be reconsidered.

Which was agreed to by the following vote,

Mr. Reich calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Cameron,

Cowper,

Dockery,

Edwards,

Elliott,

Francis,

Halsey,

Hargrave,

Messrs. Hellen,

Joyner, (of H.)

Lindsay,

McMillan,

Pharr,

Shepard,

Smith,

Thompson, (of B.)

Waddell,

Worth.—21.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Drake,

Eaton,

Etheridge,

Gavin,

Gwynn,

Hester,

Hill,

Holmes,

Jeffreys,

Messrs. Joiner, (of P.)

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson (of W.)

Tomlinson,

Walker.—21.

The Speaker voted in the affirmative.

The Bill was then, on motion of Mr. Waddell, laid on the table.

The Resolution requesting the payment by the General Government, of the fourth instalment, due under the Deposit Act—the unfinished business of yesterday—was taken up.

The question was on the amendment proposed by Mr. Biggs.

Mr. Francis called for a division of the question, *to strike out*.

Which question was decided in the negative, by the following vote,

Mr. Stallings calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Edwards,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Hill,

Messrs. Holmes,

Jeffreys,

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Francis,

Halsey,

Hargrave,

Hellen,

Jefferson,

Joyner, (of H.)

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Moody,

Pharr,

Shepard,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—24.

The Speaker voted in the negative.

Mr. Biggs moved that the Resolutions be postponed until Monday next.

Which motion was rejected by the following vote :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Mr. Cameron moved to amend the first Resolution, so as to read : *Senators from this State in Congress, be instructed.*

Which was rejected by the following vote,

Mr. Tomlinson demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Cameron,

Messrs. Jeffreys,
Melvin,

Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,
Holmes,

Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—23.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyd,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—25.

The Resolution then passed the second time, by the following vote,

Mr. Drake calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

The Speaker voted in the affirmative.

Mr. Boyden moved that the Resolution be taken up and read a third time.

Pending the question, Mr. Cameron moved to adjourn until to-morrow morning ten o'clock.

Which was decided in the negative, by the following vote,
Mr. Holmes demanding the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,

Messrs. Joiner, (of P.)
Lindsay,
McMillan,

Cowper,
Dockery,
Elliott,
Francis,
Halsey
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

The question then recurred on the motion of Mr. Boyden, to take up the Resolutions.

Which was decided in the affirmative, by the following vote, Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

The Speaker voted in the affirmative.

The Resolutions were then read the third time and passed, by the following vote,

Mr. Boyden called for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Francis,

Halsey,

Hargrave,

Hellen,

Jefferson,

Joyner, (of H.)

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Moody,

Pharr,

Shepard,

Smith,

Taylor,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Edwards,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Hill,

Messrs. Holmes,

Jeffreys,

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—24.

The Speaker voted in the affirmative.

Ordered that said Resolutions be Engrossed.

Mr. Waddell presented a petition of sundry citizens of Orange County, praying the Legislature for a division of said County.

Which was referred to the Committee on Propositions and Grievances.

Mr. Boyden moved that the Senate adjourn until half past six o'clock, P. M.

Which motion was rejected by the following vote,

Mr. Cameron calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Boyden,
Eaton,
Gavin,
Hester,
Hill,
Holmes,

Messrs. Melvin,
Moody,
Pasteur,
Pharr,
Reich,
Thompson, (of B.)
Worth.—14.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Dockery,
Drake,
Edwards,
Elliott,
Etheridge,
Exum,
Francis,
Gwynn,
Halsey,
Hellen,
Jefferson,

Messrs. Jeffreys,
Joiner, (of H.)
Joiner, (of P.)
Lindsay,
McMillan,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin.—32.

On motion of Mr. Edwards, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, JAN. 2, 1845.

The Senate met according to adjournment.

Mr. Reich presented a Bill, entitled a Bill, to authorize the payment of Tales Jurors in the County of Stokes.

Which was read the first time and passed.

Mr. Melvin presented a Bill, entitled a Bill, to amend the 103d chapter of the Revised Statutes, entitled an Act concerning the improvement of Rivers and Creeks, and to prevent obstructions to their navigation.

Which was read the first time and passed.

The Resolution in favor of John H. Wheeler, Public Treasurer, was taken up and read the third time.

Mr. Deckery moved to amend the Resolution, by striking out the words, "One Hundred and Seventeen Dollars thereof."

Which motion was decided in the negative by the following vote,

Mr. Hellen calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Boyd,
Dockery,

Messrs. Hellen,
McMillan,
Pharr.—6.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Cowper
Drake,
Eaton,
Edwards,
Elliott,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hester,
Hill,
Holmes,
Jefferson,
Jeffreys,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Moody,
Pasteur,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Wilson,
Woodfin,
Worth.—41.

The Resolution then passed, and was ordered to be Engrossed.

The Bill, entitled a Bill, to transfer the Fund for Internal Improvement to the President and Directors of the Literary Fund of North Carolina, was taken up, read the second time and passed. The amendment proposed by the Committee of Finance was adopted.

The Bill was then read the third time, passed, and was ordered to be Engrossed.

On motion of Mr. Pasteur, the Engrossed Bill, entitled a Bill, to attach that part of Carteret County, known as Ocracoke, to Hyde County, was taken up, read the second time, and passed.

Received from the House of Commons a message, informing the Senate that they have passed the Engrossed Bill to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of One Hundred Thousand Dollars, to redeem a like amount of Bonds, issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company, in which they ask the concurrence of the Senate.

Said Bill was read the first time and passed, and on motion of Mr. Boyden was read the second time.

Mr. Cameron moved to amend the Bill, by adding to the first section, the following *Proviso* :

Provided, That in addition to the Mortgage which the State has upon this Road, the Stock-holders in said Company shall give their individual Bonds to the State, in a sum or sums sufficient to cover the liabilities of the individual Stock-holders for the amount which the State has already advanced on account of the said Road, and for their proportion of the amount as Stock-holders in said Company, the State is now liable for, with the accruing interest.

Which was read and rejected by the following vote,
Mr. Holmes calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,

Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

The Speaker voted in the negative.

Mr. Holmes moved that the Senate adjourn until half past 3 o'clock.

Which motion was rejected by the following vote :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Etheridge,
Gavin,

Messrs. Gwynn,
Holmes,
Jeffreys,
Stowe,
Thompson, (of W.)
Tomlinson.—13.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,

Messrs. Lindsay,
Melvin,
McMillan,
Moody,

Dockery,
 Edwards,
 Elliott,
 Exum,
 Francis,
 Halsey,
 Hargrave,
 Hellen,
 Hester,
 Hill,
 Jefferson,
 Joyner, (of H.)
 Joiner, (of P.)

Pasteur,
 Pharr,
 Reich,
 Shepard,
 Smith,
 Speight,
 Stallings,
 Tayloe,
 Thompson, (of B.)
 Waddell,
 Walker,
 Woodfin,
 Worth.—34.

The Bill then passed by the following vote,

Mr. Melvin calling for the Yeas and Nays:

Those who voted in the affirmative, were .

Messrs. Albright,
 Bogle,
 Boyden,
 Cowper,
 Dockery,
 Elliott,
 Francis,
 Halsey,
 Hargrave,
 Hellen,
 Jefferson,
 Joyner, (of H.)

Messrs. Joiner, (of P.)
 Lindsay,
 McMillan,
 Moody,
 Pharr,
 Shepard,
 Smith,
 Tayloe,
 Thompson, (of B.)
 Waddell,
 Woodfin,
 Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
 Boyd,
 Cameron,
 Drake,
 Eaton,
 Edwards,

Messrs. Holmes,
 Jeffreys,
 Melvin,
 Pasteur,
 Reich,
 Speight,

Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

The Speaker voted in the affirmative.

Mr. Francis moved that the Bill be taken up and read the third time.

Which motion prevailed by the following vote,

Mr. Cameron calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson,
Walker,
Wilson.—24.

The Bill was then read the third time.

Mr. Biggs moved to amend the Bill, by adding to the first section the following *Proviso* :

Provided, That before the said Bonds shall be issued, the Stockholders of said Company shall enter into Bonds, in a sufficient amount, payable to the State of North Carolina, and approved by the Governor and Attorney General, conditioned to pay a proportion compared with their stock in said Road, of any loss or damage that may come to the State in consequence of her endorsement of any Bonds for said Company, by the State, which Bonds may be put in suit at any time, when the State shall be compelled to pay any part of the Bonds endorsed as aforesaid, and a recovery effected for the amount of the Bonds so given by the Stockholders as aforesaid.

Which was read and rejected by the following vote,

Mr. Tomlinson calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Edwards,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Holmes,

Messrs. Jeffreys,

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—23.

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Moody,

Pharr,

Shepard,

Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

The Bill was then read the third time and passed, by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.),
Tomlinson,
Walker,
Wilson.—24.

The Speaker voted in the affirmative.

Ordered that said Bill be Enrolled.

On motion of Mr. Edwards, the Senate adjourned until four o'clock, P. M.

FOUR O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Joyner, (of H.) from the Committee on Internal Improvement, to whom was referred a memorial from sundry citizens of Beaufort County, praying the present General Assembly to make an appropriation to the navigation of Pungo River, reported the following Preamble and Resolutions:

WHEREAS, it has been represented to this General Assembly, by sundry citizens of the County of Beaufort, that the navigation of Pungo river has been obstructed in consequence of the opening of the Pungo Canal, for the purpose of draining a portion of the Swamp Lands belonging to the Literary Fund: And, whereas, if the said allegation, upon proper enquiry, should be ascertained to be well-founded, it is just and reasonable that the navigation of the said river should be restored to its former condition, at the expense of the fund created for Literary purposes. Therefore,

Resolved, That the President and Directors of the Literary Fund be, and they are hereby directed to investigate the cause or causes which have obstructed the navigation of Pungo river, near the Pungo Canal: and if after due investigation thereof, they shall be satisfied that the said obstruction has been occasioned by the construction of the said Canal, then and in that case, to adopt such measures as they may deem most expedient to restore the navigation of the said river to its former condition, and to pay the expenses thereof out of the fund appropriated for the purposes of draining the Swamp Lands.

Which was read the first time and passed.

According to notice heretofore given, on motion of Mr. Francis, the latter clause of the 15th rule was suspended the balance of the Session.

Mr. Edwards presented the following Preamble and Resolution :

WHEREAS, it appears that in the State of North Carolina, there is no National Flag belonging to the State, nor even one bearing her own *insignia*, by which she may be designated among her other sisters of the confederacy : Therefore,

Resolved, That the Governor be, and he is hereby authorized to purchase for the use of the State, a National Banner, and also one bearing the arms of North Carolina, and that he be authorized to draw upon the Treasurer for the cost of the same, out of any monies not otherwise appropriated.

Which was read the first, second and third times, and passed, and ordered to be Engrossed.

Mr. Stowe moved that the vote by which was rejected the Bill, entitled a Bill, concerning Deeds, Mortgages, and Assignments in Trust, be reconsidered.

Which motion was rejected by the following vote,

Mr. Tomlinson demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,

Bogle,

Boyd,

Boyden,

Cameron,

Drake,

Eaton,

Exum,

Gavin,

Gwynn,

Hester,

Messrs. Jeffreys

Joyner, (of H.)

Lindsay,

Moody,

Pharr,

Speight,

Thompson, (of B.)

Tomlinson,

Walker,

Woodfin.—21.

Those who voted in the negative, were

Messrs. Albright,

Cowper,

Dockery,

Edwards,

Elliott

Messrs. Melvin,

McMillan,

Pasteur,

Reich,

Shepard,

Eberidge,

Francis,

Hargrave,

Hellen;

Hill,

Holmes,

Joiner, (of P.)

Smith,

Stallings,

Stowe,

Thompson, (of W.)

Waddell,

Worth.—23.

The Engrossed Bill, entitled a Bill, providing for the appointment of Engrossing Clerks, was taken up, read the second and third times, amended and passed, and sent to the House of Commons for their concurrence.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill to provide for holding a Session of the Supreme Court once a year in the Western part of the State, reported the same to the Senate, and recommended its passage.

Mr. Waddell, from the same Committee, to whom was referred a Bill to alter the times of holding the Superior Courts of Law and Equity, for the Counties of Rockingham and Guilford, reported the same to the Senate, and recommended its passage.

Which was read.

The Resolution in favor of William Thompson, was taken up, read the second and third times, passed, and was ordered to be Engrossed.

The Engrossed Resolution in favor of John Hill and others, was taken up, read the second and third times, passed, and was ordered to be Enrolled.

The Engrossed Resolution in favor of Priscilla Goodwin was taken up, read the second time, and rejected.

The Senate then took up, the Engrossed Bill, entitled a Bill, supplemental to an Act passed at the General Assembly of 1842-3, entitled an Act to lay off and establish a County by the name of McDowell.

Which was read the second and third times, amended, passed, and ordered to be sent to the House of Commons for their concurrence.

The Engrossed Bill, entitled a Bill, to incorporate the Phoenix Fire Company; in the Town of Elizabeth City;

The Bill, entitled a Bill, extending the jurisdiction of Justices of the Peace, over Judgments, and amendatory of the sixth section of the Revised Statutes, entitled Courts—County and Superior;

The Bill, entitled a Bill, to prevent the felling of Timber in the water-courses of the County of Guilford;

And the Bill, entitled a Bill, concerning the Superior Court of Currituck County;

Were taken up, read the second and third times. The last named was amended and passed, and were severally ordered to be Enrolled.

The Engrossed Resolution, in favor of Samuel Watters;

And the Resolution in favor of L. H. Marsteller;

Were taken up, read the second and third times, passed, and were ordered to be Enrolled.

The Senate then took up the Engrossed Bill, entitled a Bill, to incorporate the Newbern Mechanics' Association;

And the Bill, entitled a Bill, to amend an Act, entitled an Act, to incorporate the Fayetteville Riflemen of the County of Cumberland, passed 1842.

Which were severally read the second and third times, passed, and were ordered to be Enrolled.

The Engrossed Resolution in favor of Morris K. Taylor and C. Kephart;

And the Resolution in favor of Thomas J. Roane;

Were taken up, severally read the second and third times, passed, and were ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to alter the time of holding the Courts of Pleas and Quarter Sessions for the County of Beaufort, was taken up.

Which was read the second and third times, and passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to repeal in part the 11th Section of the 62d Chapter of the Revised Statutes, concerning the powers and jurisdiction of Justices of the Peace, and to amend the same, was taken up, read the second time, and on motion of Mr. Worth postponed until the 4th March next, by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,

Messrs. Jefferson,
Jeffreys,
Joyner, (of H.)
Joiner, (of P.)

Boyd,	Lindsay,
Cameron,	Melvin,
Cowper,	Pasteur,
Dockery,	Reich,
Drake,	Shepard,
Eaton,	Smith,
Edwards,	Speight,
Elliott,	Stowe,
Etheridge,	Tayloe,
Exum,	Thompson, (of B.)
Francis,	Thompson, (of W.)
Gavin,	Tomlinson,
Gwynn,	Walker,
Halsey,	Woodfin,
Hargrave,	Worth.—39.
Holmes,	

Those who voted in the negative, were

Messrs. Hellen,	Messrs. Pharr,
Hester,	Stallings,
McMillan,	Waddell.—7.
Moody,	

Mr. Hellen moved that the vote by which was passed the Resolution, requesting the payment by the General Government of the fourth instalment, under the Deposit Act, be reconsidered.

Which motion prevailed by the following vote:

Those who voted in the affirmative, were

Messrs. Biggs,	Messrs. Holmes,
Boyd,	Jeffreys,
Cameron,	Melvin,
Drake,	Pasteur,
Eaton,	Reich,
Edwards,	Smith,
Elliott,	Speight,
Etheridge,	Stallings,
Exum,	Stowe,
Gavin,	Thompson, (of W.)
Gwynn,	Tomlinson,
Hellen,	Walker.—25.
Hester,	

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Francis,

Halsey,

Hargrave,

Jefferson,

Joyner, (of H.)

Joiner, (of P.)

Messrs. Lindsay,

McMillan,

Moody,

Pharr,

Shepard,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—22.

Mr. Hellen then moved to amend the Resolutions, by striking out all that part of them which relates to the indebtedness of North Carolina.

Pending the question,

The Senate, on motion of Mr. Jeffreys, adjourned until to-morrow morning ten o'clock.

FRIDAY, JANUARY 3, 1845.

The Senate met pursuant to adjournment.

The Speaker presented to the Senate, a communication from Geo. J. Ward, Sheriff of Onslow County, certifying that William Ennett was duly elected Senator, to represent that County in the present Legislature.

Whereupon, Mr. Biggs moved that he be qualified and take his seat.

Upon this question, Mr. Hellen called for the Yeas and Nays

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,
Elliott,
Etheridge,
Exum,
Gavin,
Gwynn,
Hargrave,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Joyner, (of H.)
Lindsay,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Waddell,
Walker,
Woodfin,
Worth.—33.

Those who voted in the negative, were

Messrs. Boyden,
Dockery,
Francis,
Halsey,
Hellen,

Messrs. Jefferson,
Joiner, (of P.)
McMillan,
Pharr,
Tayloc.—10.

Mr. Ennett then produced his credentials, was qualified before the House, and took his seat.

Mr. Wilson, from the Committee of Education and the Literary Fund, to whom was referred the Bill to invest Fifteen Hundred Dollars of the Literary Fund, reported the following Resolution in lieu thereof:

Resolved, That the Literary Board be, and they are hereby instructed, to lend Fifteen Hundred Dollars of the Literary Fund of this State, to the Asheville Female Boarding House Company, on their giving good and unquestionable personal security for the same.

Which was read the first time and passed.

Mr. Francis presented a Bill, entitled a Bill, for laying Taxes to meet the extraordinary demands upon the Treasury of the State.

Which was read the first time and passed, and on motion of Mr. Jeffreys was ordered to be printed.

Mr. Dockery presented the following Resolution :

Resolved, That J. W. Rowland, Sheriff of Robeson County, be, and he is hereby authorized and empowered to collect during the year 1845, all arrearages of Taxes due in said County for the years 1841-2.

Which was read the first time and passed.

Mr. Cameron presented a memorial from sundry citizens of Cumberland County, praying the Legislature, that a communication be opened between Fayetteville and Yadkin river.

Which was read and laid on the table.

Mr. Stallings presented a Bill, entitled a Bill, to incorporate the Lake Drummond and Orapeak Canal Company, accompanied with a memorial.

Which was read the first time, passed, and was laid on the table.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred a Bill for the more speedy administration of Justice, reported the same to the Senate, and recommended its passage.

The Engrossed Bill, entitled a Bill, to authorize the foreclosure of the Mortgage of the Raleigh & Gaston Rail Road Company, was taken up, and read the second time.

Mr. Shepard moved to amend the Bill, in the first section thereof, by striking out all after the word *that*, to the words 1845, inclusive, and insert the following :

“ That it shall be the duty of the Governor of the State, to cause the Mortgage made and executed by the President and Directors of the Raleigh and Gaston Rail Road Company, according to the provisions of the Act, ratified January 12, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh & Gaston Rail Road Company, and for the relief of the same, to be foreclosed in the Superior Court for the County of Wake, at its next Term in April 1845.

Which was read and rejected.

Mr. Shepard moved further to amend the Bill, by adding to the ninth section thereof, the following *Proviso* :

Provided, The personal security herein alluded to, shall be for the full amount of the sum the Road may sell for, and the lien on the shares herein mentioned shall be an additional security.

Which was read and agreed to.

Mr. Cameron then moved to amend the Bill, by striking out all from the fourth section of the Bill, to the tenth section thereof, inclusive.

Pending the question,

The Senate, on motion of Mr. Boyden, adjourned until half past three o'clock, P. M.

HALF-PAST THREE O'CLOCK, P. M.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to protect the public Bridges in Tyrrell and Washington Counties, by adding the County of Onslow thereto, and altering the phraseology of said Bill so as to correspond with said amendment, and asking the concurrence of the Senate therein.

Which was read and agreed to.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate :

A Bill, to loan to the North Carolina Military Academy, at Raleigh, for the use of the Cadets thereof, the necessary military arms and equipments ;

A Bill, to provide for the opening and clearing out of Muddy Creek and its branches, in Stokes County ;

A Resolution in favor of Thomas Wilson, Sheriff of Yancy County ;

Which were severally read the first time and passed. '

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to alter the mode of appointing Constables in Beaufort and Northampton Counties, by striking out Northampton County, in the title and

Bill, wherever it occurs, and making the Bill in other respects correspond thereto, in which they ask the concurrence of the Senate.

Which was read and agreed to.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate :

A Bill to compel the entry-taker of Union County to keep his office at the Court House of said County ;

A Bill to appoint Commissioners to view and lay off a road in the County of Ashe ;

A Bill to revive and continue in force, an Act passed in the year 1841, entitled an Act, to authorize the laying off and establishing a 'Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County ;

A Bill, supplemental to an Act passed in the year 1838, entitled an Act supplemental to an Act passed in the year 1834, to lay off and establish a Road from Morganton to the Tennessee line ;

A Bill concerning Passengers in Vessels, coming to the ports of this State ;

Said Bills were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolution, in which they ask the concurrence of the Senate :

A Bill to incorporate the Carthage Male and Female Academy, in the County of Moore ;

A Resolution in favor of the Commissioners of Raleigh ;

A Bill to open the Pedee and Yadkin rivers ;

A Bill assenting to the purchase, by the United States, of certain land in the Town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain limitations and conditions therein named ;

A Bill to revive an Act for the better regulation of the Town of Warrenton, in the County of Warren.

Said Bills and Resolutions were severally read the first time and passed.

The last named Bill was read the second and third times and passed, and ordered to be Enrolled.

Mr. Moody presented a Bill, entitled a Bill, to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89th, Section 1st, as to the time and

manner of electing Wardens of the Poor, so far as relates to the County of Northampton.

Which was read the first time and passed.

The Senate then resumed the unfinished business of the morning, to-wit: the Bill, entitled a Bill, to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road.

The question pending was on the amendment proposed by Mr. Cameron.

Which was decided in the negative,

Mr. Drake calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—24.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Edwards,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—25.

Mr. Shepard moved to amend the Bill, by adding the following additional section thereto :

And be it further enacted, That the proceeds arising from the foreclosure of the Mortgage herein directed to be made, shall be paid into the public Treasury, and held as a fund, subject first to discharge all the liabilities the State has incurred under the Act, ratified January the 12th, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, "and for the relief of the same;" and the surplus, if any, shall be retained in the Public Treasury, to secure the State against the liabilities incurred under the Act passed in 1838-9, entitled an Act for the relief of the Raleigh and Gaston Rail Road Company.

Be it further enacted, That should the said Raleigh and Gaston Rail Road not sell for a sum sufficient to discharge all the liabilities incurred by the State, under the Act of January 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, "and for the relief of the same," or should the Governor purchase the same on behalf of the State, then it shall be the duty of the Governor to take such measures under the Acts of 1838-9, and Jan. 1841, as may in his judgment best secure the other liabilities of the State.

Which was read and adopted.

Mr. Thompson, (of B.) then moved to amend the Bill, by adding the following as an additional section :

And be it further enacted, That when it shall appear that the proceeds of said Road are insufficient to keep said Road in repair, and pay all the expenses of running the same, then it shall be the duty of the Governor to stop all operations on the Road.

Which was read and also adopted.

The question was then taken on the passage of the Bill, as amended.

Which was decided in the affirmative, by the following vote,
Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,

Messrs. Joiner, (of P.)
Lindsay,

Boyden,
Cowper,
Dockery,
Edwards,
Elliott,
Francis,
Halsey,
Hargrave,
Hellen,
Jefferson,
Joyner, (of H.)

McMillan,
Moody,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—25.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson,
Walker,
Wilson.—24.

Mr. Dockery moved that the vote, by which was rejected the Resolution in favor of Priscilla Goodwin, be reconsidered.

Which motion did not prevail.

Mr. Boyden moved that the vote, by which was passed the Bill, entitled a Bill, to abolish the Board of Internal Improvement and for other purposes, be reconsidered.

Which motion was rejected by the following vote,

Mr. Holmes calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Dockery,

Messrs. Moody,
Pharr,
Shepard,

Elliott,	Smith,
Francis,	Taylor,
Hellen,	Thompson, (of B.)
Joyner, (of H.)	Waddell,
Joiner, (of P.)	Woodfin,
McMillan,	Worth.—18.

Those who voted in the negative, were

Messrs. Albright,	Messrs. Hill,
Biggs,	Holmes,
Boyd,	Jefferson,
Cameron,	Jeffreys,
Cowper,	Lindsay,
Drake,	Melvin,
Eaton,	Pasteur,
Edwards,	Reich,
Ennett,	Speight,
Etheridge,	Stallings,
Exum,	Stowe,
Gavin,	Thompson, (of W.)
Gwynn,	Tomlinson,
Halsey,	Walker,
Hester,	Wilson.—30.

Received from the House of Commons a message, concurring in the proposition of the Senate, to rescind the joint Resolution of both Houses, to adjourn on the sixth instant.

On motion of Mr. Moody, the Bill, entitled a Bill, to authorize the foreclosure of the Mortgage of the Raleigh & Gaston Rail Road, was taken up and read the third time.

Mr. Francis moved to amend the Bill, by striking out all after the word *State*, in the fourth line of the fourth section, and insert the following words:

“Such sum as he and his Council may deem advisable, upon a full investigation into the value of said Road, so far as they may be enabled to ascertain the same, having a due regard to the amount of principal and interest for which the State is now liable, as well as the value of said Road, ascertained in the manner herein prescribed.”

Which was read and rejected.

The Bill then passed by the following vote,

Mr. Tomlinson calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyd,

Cowper,

Dockery,

Edwards,

Elliott,

Halsey,

Hargrave,

Hellen,

Jefferson,

Joyner, (of H.)

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Moody,

Pharr,

Shepard,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Ennett,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Hill,

Messrs. Holmes,

Jeffreys,

Melvin,

Pasteur,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—24.

The Speaker voted in the affirmative.

Mr. Holmes moved that the Senate adjourn until to-morrow morning ten o'clock.

Which motion was decided in the negative, by the following vote,

Mr. Moody calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Exum,

Francis,

Messrs. Jeffreys,

Reich,

Gavin,
Halsey,
Hellen,
Hill,
Holmes,
Jefferson,

Shepard,
Tayloe,
Thompson, (of W.)
Tomlinson,
Wilson. — 15,

Those who voted in the negative, were

Messrs. Albright,

Biggs,
Bogle,
Boyd,
Boyden,
Cameron,
Cowper
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Gwynn,
Hargrave,
Hester,

Messrs. Joyner, (of H.)

Joiner, (of P.)
Lindsay,
Melvin,
McMillan,
Moody,
Pasteur,
Pharr,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of B.)
Waddell,
Walker,
Woodfin,
Worth. — \$4.

The Resolution, requesting the payment by the General Government, of the fourth instalment, due under the Deposit Act, was taken up, and on motion of Mr. Worth, laid on the table until the 4th of March next, by the following vote,

Mr. Waddell calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Etheridge,
Exum,

Messrs. Jefferson,

Jeffreys,
Melvin,
Pasteur,
Reich,
Speight,
Stallings,
Stowe,

Gavin,
Gwynn,
Hargrave,
Hester,
Holmes,

Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Worth.—26.

Those who voted in the negative, were

Messrs. Bogle,	Messrs. Lindsay,
Boyden,	McMillan,
Cowper,	Moody,
Dockery,	Pharr,
Elliott,	Shepard,
Francis,	Smith,
Halsey,	Tayloe,
Hellen,	Thompson, (of B.)
Joyner, (of H.)	Waddell,
Joiner, (of P.)	Woodfin.—20.

The Bill, entitled a Bill, concerning the Agents for collection of the Cherokee Bonds, was taken up, read the second and third times, and passed, and ordered to be Engrossed.

The Engrossed Resolution relating to Committee Rooms in the Capitol, was taken up, read the second and third times and passed, and ordered to be Enrolled.

The Bill concerning the Treasurer and Comptroller was taken up, read the second time, and on motion of Mr. Dockery, indefinitely postponed.

The Bill, entitled a Bill, to modify an Act concerning Slaves and free persons of color, passed in 1830, was taken up, read the third time and passed, by the following vote,

Mr. Joyner, (of H.) calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Cameron,
Dockery,
Elliott,
Ennett,
Francis,

Messrs. Joiner, (of P.)
Moody,
Pasteur,
Pharr,
Smith,
Stallings,
Tayloe,

Gavin,

Gwynn,

Hargrave,

Hellen,

Thompson, (of B.)

Tomlinson,

Wilson.—21.*

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cowper,

Drake,

Eaton,

Edwards,

Etheridge,

Exum,

Halsey,

Hester,

Holmes,

Messrs. Jefferson,

Jeffreys,

Joyner, (of H.)

Melvin,

McMillan,

Shepard,

Speight,

Stowe,

Thompson, (of B.)

Tomlinson,

Wilson.—22.*

Ordered that said Bill be Engrossed.

The Senate then took up the Bill, entitled a Bill, to incorporate the Washington Lodge No. 3, of the Independent Order of Odd Fellows, in the Town of Murfreesborough.

Which was read the second and third times, and passed, and ordered to be Engrossed.

The Bill, entitled a Bill, to amend the first section of an Act, entitled an Act, to amend the several Acts now in force, to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers, and their waters, and the Albemarle Sound, passed in the year 1824, was taken up, read the second time, and rejected.

The Bill, entitled a Bill, to amend the 10th Section of the 45th Chapter of the Revised Statutes, was taken up, read the second and third times, passed, and ordered to be Engrossed.

The Senate then took up the Engrossed Bill, entitled a Bill, to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property.

* There is evidently an error in the foregoing vote, as several gentlemen are recorded as voting both affirmatively and negatively. It is, however, according to the copy furnished, and is moreover a transcript of the Original on file in the Secretary of State's Office, which was consulted for the purpose of rectifying the error.—THE PUBLISHER.

Which was read the second time.

Pending the question,

The Senate, on motion of Mr. Eaton, adjourned until to-morrow morning ten o'clock.

SATURDAY, JAN. 4, 1845.

The Senate met pursuant to adjournment.

On motion of Mr. Joyner, (of H.)

Ordered, That Messrs. Moody and Pasteur have leave of absence from the service of the Senate, from and after Monday next, the balance of the Session.

Mr. Biggs presented a paper, signed by himself and twenty-three other Senators, purporting to be a Protest against the proceedings of the Senate, in the case of William Ennett, the Senator from Onslow, which he sent to the table, with the request that it be entered upon the Journal.

The paper was read to the Senate by the Clerk.

The Speaker, upon objections being raised by Mr. Shepard, as to the character of the paper, entertained the opinion that it contained disrespectful matter, impugning the character of himself and a large number of the members of the Senate; and believing that the Senate should permit nothing to go upon its Journal, that cast censure upon its decisions or its members, submitted the question to the decision of the Senate.

Upon this question, Mr. Dockery demanded the Yeas and Nays.

Which was seconded.

The Speaker then put the question—"Shall the paper be entered upon the Journal of the Senate?"

Whereupon, a large number of Senators retired without the bar of the Senate, but remained within the Chamber; and others declined answering to their names.

On ascertaining the result, it was found that no one voted in the affirmative, and twenty-three in the negative.

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Francis,

Halsey

Hellen,

Jefferson,

Joyner, (of H.)

Joiner, (of P.)

Messrs. Lindsay,

McMillan,

Moody,

Pharr,

Shepard,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—23.

Question decided in the negative.

Mr. Hargrave presented a petition from sundry citizens of the County of Davidson, praying the Legislature to repeal an Act of the General Assembly, passed in the years 1842-'43, to keep people from fishing by fire-light in Hambie's Creek; which was read, and on his motion referred to the Committee on Propositions and Grievances.

Mr. Exum presented a Bill, entitled a Bill, to authorize the removal of the County seat in Wayne County, from the Town of Waynesboro' to the Village of Goldsboro', in said County of Wayne.

Which was read the first time and passed.

Mr. Gwynn, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Rutherford County, praying for the erection of a new County by the name of Lafayette, reported the same to the Senate, and asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Gwynn, from the same Committee, to whom was referred the memorial of the Magistrate of Police and Commissioners of the Town of Fayetteville, asking the extension of the Western

boundary of said Town, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Gwynn, from the same Committee, to whom was referred the petition for the division of Orange County, reported the same to the Senate, and asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Cameron presented a Bill, entitled a Bill, to incorporate Pine Encampment Lodge No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville.

Which was read the first time and passed.

Mr. Waddell, from the Committee on the Judiciary, to whom was referred the Resolution, directing them to enquire into the expediency of amending the law in regard to the laying off of the dower of Widows, with the view of saving cost therein, reported that no legislation on the subject is necessary, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Dockery presented a Bill, entitled a Bill, to revive and continue in force an Act, entitled an Act, to incorporate the Raleigh and Columbia Rail Road Company.

Which was read the first time and passed.

Mr. Waddell presented a Bill, entitled a Bill, to make Surveyors act as Processioners in certain cases.

Which was read the first time and passed.

Mr. Biggs presented the following Resolution:

Resolved, That the Public Treasurer pay to William Ennett the sum of twenty-five dollars, for carrying a Writ of Election to the County of Onslow, to supply the vacancy in the Senate, occasioned by the expulsion of the Senator from Onslow; and that the Public Treasurer be allowed the same in the settlement of his Public Accounts.

Which was read the first time and passed.

Mr. Stowe presented a Bill, entitled a Bill, to authorize the holding of two additional terms of the Court of Pleas and Quarter Sessions, in and for the County of Catawba, at which there shall be no Jury Trials.

Which was read the first time and passed.

Mr. Stowe presented a Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton.

Which was read the first time and passed.

Mr. Jefferson presented a Bill, entitled a Bill, to amend an Act, entitled an Act, to authorize the laying out and establishing a Turnpike Road from the South Carolina line, at some point near the Block House in Ratherford County, to Cain Creek Bridge, in Buncombe County.

Which was read the first time and passed.

Mr. Tayloe, from the Joint Select Committee to whom was referred the Resolution to examine into the condition of the furniture in the residence of the Governor, reported the following Resolution :

Resolved, That the sum of One Thousand Dollars be, and is hereby appropriated to the purchase of Furniture for the Governor's residence—the purchase of said Furniture to be made under the direction of the Governor.

Which was read the first time and passed.

On motion of Mr. Exum, the Senate took a recess until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Boyden presented a Bill, entitled a Bill, supplemental to an Act passed the present Session of the General Assembly, entitled an Act to amend an Act, to incorporate the President, Directors and Company of the Yadkin Toll Bridge.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

The Senate took up the unfinished business of yesterday, to-wit: the Bill, entitled a Bill, to amend the 123d Chapter of an Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property, and on motion of Mr. Hellen, was laid on the table.

On motion of Mr. Jefferson, the Bill, entitled a Bill, to incorporate the North Carolina Mining, Manufacturing and Land As-

sociation, was taken up, and on motion of Mr. Worth, laid on the table.

On motion of Mr. Pasteur, the Bill, entitled a Bill, to amend the 123d Chapter of an Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property, was taken up, read the second and third times, passed, and ordered to be Enrolled.

On motion of Mr. Lindsay, the Bill, entitled a Bill, to consolidate and amend the Acts heretofore passed on the subject of Common Schools, was taken up, read the second time, and amended on motion of Mr. Eaton.

Mr. Boyden moved to amend the first section of the Bill, by striking out the word "Federal," and inserting the word "White" in lieu thereof.

Mr. Wilson called for a division of the question, *to strike out*, which was decided in the negative, by the following vote,

Mr. Tomlinson calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,	Messrs. McMillan,
Boyden,	Pharr,
Elliott,	Stowe,
Francis,	Walker,
Hargrave,	Woodfin,
Jefferson,	Worth.—12.

Those who voted in the negative, were

Messrs. Albright,	Messrs. Joyner, (of H.)
Biggs,	Joiner, (of P.)
Boyd,	Lindsay,
Cameron,	Melvin,
Cowper,	Moody,
Dockery,	Pasteur,
Eaton,	Reich,
Edwards,	Shepard,
Etheridge,	Smith,
Exum,	Speight,
Gavin,	Stallings,
Gwynn,	Tayloe,
Halsey,	Thompson, (of B.)

Hellen,
Hester,
Hill,
Holmes,

Thompson (of W.)
Tomlinson,
Wilson.—33.

Mr. Shepard moved to amend the Bill, by adding the following as an additional Section :

Be it further enacted, That a General Superintendent of the Schools of the State be elected by a joint ballot of the two Houses, whose duty it shall be to visit the several Counties of the State, and to report to each Legislature the condition of the Schools, and to suggest such alterations as he may think proper; and that the salary of such Superintendent shall be — dollars. ✓

Which was read and rejected.

Mr. Hellen moved to amend the Bill, in the 24th section thereof, by striking out the word "five," and inserting the words—"two and a half."

Which was adopted by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,

Bogle,

Boyd,

Boyden,

Cowper,

Eaton,

Exum,

Francis,

Gavin,

Hargrave,

Hellen,

Hester,

Jefferson,

Joyner, (of H.)

Joiner, (of P.)

Messrs. McMillan,

Reich,

Shepard,

Smith,

Speight,

Stallings,

Stowe,

Tayloe,

Thompson, (of B.)

Thompson, (of W.)

Tomlinson,

Waddell,

Wilson,

Woodfin,

Worth.—31.

Those who voted in the negative, were

Messrs. Cameron,
Dockery,
Edwards,
Elliott,
Etheridge,
Gwynn,
Halsey,

Messrs. Hill,
Holmes,
Lindsay,
Melvin,
Moody,
Pasteur,
Walker.—14.

The Bill then passed, as amended.

On motion of Mr. Jefferson, the Senate adjourned until Monday morning ten o'clock.

MONDAY, JAN. 6, 1845.

The Senate met according to adjournment.

Mr. Biggs presented the resignation of William Gray, a Justice of the Peace for the County of Martin.

Which was read and accepted, and sent to the House of Commons.

Mr. Dockery presented a Bill, entitled a Bill, to prevent Free Negroes and Mulattoes from trafficking in ardent spirits.

Which was read the first time and passed.

Mr. Walker presented a Bill, entitled a Bill, to regulate the 70th and 71st Regiments of North Carolina Militia.

Which was read the first time and passed.

Mr. Thompson, (of B.) presented a Bill, entitled a Bill, making further compensation to the Jurors of the County of Northampton.

Which was read the first time and passed.

Mr. Cowper presented a Bill, entitled a Bill, to amend an Act of the General Assembly of North Carolina, passed at its Session

of 1824-25, to amend the several Acts to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, and their waters, and the Albemarle Sound, so far as extends to the Cashie River.

Which was read the first time and passed, and on motion of Mr. Thompson, (of B.) referred to a Select Committee of five.

Mr. Tayloe moved that the vote by which was passed the En-grossed Bill, entitled a Bill, to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property, be reconsidered.

Which motion was agreed to.

The Bill was then laid on the the table.

The Senate took up the Bill, entitled a Bill, to consolidate and amend the Acts heretofore passed on the subject of Common Schools.

Which was read the third time.

Mr. Drake moved to amend the sixth section thereof, by striking out the words, "are hereby authorized and empowered," and inserting the words, "may in their discretion."

Which was read and agreed to.

Mr. Boyd moved to amend the eighth section thereof, by striking out the word "Monday," and inserting the word "Saturday" in lieu thereof.

Which was also agreed to.

Mr. Francis moved to amend the eleventh section, by adding the words "or receive by donation."

Which was also agreed to.

Mr. Edwards then moved to amend the Bill, by adding the following *Proviso* to the fourth section :

Provided, That the children in any one District may, by the consent of one or more Superintendents, attend the Schools in any adjoining District.

Which was read and agreed to.

Mr. Boyd moved that the vote by which was passed an amendment to the eighth section, be reconsidered.

Which was agreed to.

He then moved to amend the Bill, by striking out in the third line, the words "the first Monday of October," and inserting the words, "the last Saturday of September."

Which was also agreed to.

Mr. Worth moved to amend the Bill, in the sixteenth section and third line, by striking out all after the word "District," to the word "and" in the fifth line.

Which motion did not prevail.

Mr. Tayloe moved to amend the Bill, by adding the following section thereto :

And be it further enacted, That it shall be the duty of the Chairman of the Board of Superintendents to give notice, by written publication, at the Court House door of each County ; which publication shall be made soon after the money is first received.

Which was read and adopted.

Mr. Shepard moved to amend the Bill, by adding the following section thereto :

Be it further enacted, That a General Superintendant of Common Schools shall be appointed by the Literary Board, whose duty it shall be to visit annually each County in the State, and examine the condition of the Schools therein, and to report to the Governor their condition, suggesting in said report, such improvement and alteration of the existing law as his experience may suggest. It shall be the duty of said Superintendant, under the direction of the Literary Board, to procure the best Elementary School Books and furnish the several Schools with them in such quantities as said Board may direct ; and the Governor shall lay before the Legislature at the commencement of its Session, the reports herein made. And the Superintendant shall be allowed — dollars per annum, to be paid out of the Literary Fund.

Which was read and rejected by the following vote,
Mr. Tomlinson calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Boyden,
Cowper,
Dockery,
Edwards,
Elliott,
Ennett,
Francis,
Halsey,
Hargrave,
Hellen,

Messrs. Jefferson,
Joyner, (of H.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Woodfin,
Worth.—22.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,
Holmes,

Messrs. Jeffreys,
Joiner, (of P.)
Melvin,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—23.

The Bill then passed by the following vote,
Mr. Boyden calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Dockery,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Halsey,
Hargrave,
Hellen,
Hester,
Hill,

Messrs. Holmes,
Jefferson,
Jeffreys,
Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Melvin,
Pharr,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Woodfin,
Worth.—43.

Those who voted in the negative, were

Messrs. Boyden and McMillan.

Ordered that said Bill be Engrossed.

On motion of Mr. Edwards, the Senate adjourned until half-past three o'clock, P. M.

HALF-PAST THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate :

A Bill to prevent obstructions in Hitchcock's Creek in the County of Richmond ;

A Bill to incorporate Dunn Faison Academy, in the County of Duplin ;

A Bill to improve the navigation of Cypress Creek, in the County of Bladen ;

Which were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolution, in which they ask the concurrence of the Senate :

A Bill to incorporate a Corps of Cavalry in the County of Chowan ;

Resolution in relation to the fourth Instalment ;

A Bill for the relief of Samuel Lowers ;

A Bill to amend the eighth section of the fiftieth chapter of the Revised Statutes, entitled an Act concerning frauds and fraudulent conveyances.

A Bill concerning the Superior Courts of Cleveland County ;

Resolution in favor of William Davidson ;

A Bill to amend the 58th Section of the Revised Statutes, entitled Courts—County and Superior ;

A Bill to divide the Militia of the County of Anson into two Regiments.

Said Bills and Resolutions were severally read the first time and passed.

Mr. Joyner, (of P.) moved that the vote by which was passed the Bill, entitled a Bill to consolidate and amend the Acts heretofore passed on the subject of Common Schools, be reconsidered.

Which motion prevailed by the following vote,

Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Edwards,

Elliott,

Francis,

Hill,

Jefferson,

Messrs. Joyner, (of H.)

Joiner, (of P.)

Lindsay,

McMillan,

Pharr

Shepard,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin.—20.

Those who voted in the negative, were

Messrs. Biggs,

Cameron,

Drake,

Etheridge,

Exum,

Gavin,

Gwynn,

Hargrave,

Hester,

Messrs. Holmes,

Jeffreys,

Melvin,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Walker,

Worth.—18.

Mr. Joiner, (of P.) then moved that the vote by which was rejected the amendment of Mr. Shepard, proposing the appointment of a Superintendent of Common Schools, be reconsidered.

Which was agreed to.

Mr. Exum moved that the Bill and amendment be laid on the table.

Which motion was rejected by the following vote,
Mr. Exum calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,	Messrs. Hester,
Boyd,	Hill,
Cameron,	Jefferson,
Drake,	Jeffreys,
Eaton,	Melvin,
Ennett,	Speight,
Etheridge,	Stallings,
Exum,	Stowe,
Gavin,	Thompson, (of W.)
Gwynn,	Walker.—20.

Those who voted in the negative, were

Messrs. Albright,	Messrs. Joyner, (of H.)
Bogle,	Joiner, (of P.)
Boyden,	Lindsay,
Cowper,	Pharr,
Dockery,	Shepard,
Edwards,	Smith,
Elliott,	Tayloe,
Francis,	Thompson, (of B.)
Halsey,	Waddell,
Hargrave,	Woodfin,
Holmes,	Worth.—22.

The question was then taken on the amendment of Mr. Shepard.
Which was decided in the negative, by the following vote,
Mr. Speight calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Joiner, (of P.)
Boyden,	Lindsay,
Cowper,	McMillan,
Dockery,	Pharr,
Edwards,	Shepard,
Elliott,	Smith,
Francis,	Tayloe,
Halsey,	Thompson, (of B.)

Hargrave,	Waddell,
Jefferson,	Woodfin,
Joyner, (of H.)	Worth.—22.

Those who voted in the negative, were

Messrs. Biggs,	Messrs. Hill,
Bogle,	Holmes,
Boyd,	Jeffreys,
Cameron,	Melvin,
Drake,	Reich,
Eaton,	Speight,
Ennett,	Stallings,
Etheridge,	Stowe,
Exum,	Thompson, (of W.)
Gavin,	Tomlinson,
Gwynn,	Walker,
Hester,	Wilson.—24.

The Bill then passed the third time, and was ordered to be Engrossed.

The Engrossed Bill, entitled a Bill, to attach that part of Carteret County known as Ocracoke, to Hyde County, was taken up, read the third time and passed, and ordered to be Enrolled.

The Senate then took up the Engrossed Bill, entitled a Bill, to amend an Act for the establishment and better regulation of Common Schools.

Which was, on motion of Mr. Lindsay, laid on the table.

On motion of Mr. Woodfin, the Bill, entitled a Bill, to lay off and establish a Turnpike Road from Raleigh to the Buncombe Turnpike Road, thence to the line of the State of Georgia, was taken up and read the second time.

Mr. Albright moved to amend the Bill, by striking out that portion of the first section, providing for a branch of the Road from Fayetteville to some eligible point of the proposed Turnpike Road, East of the Yadkin.

Which motion was decided in the negative, by the following vote,

Mr. Cameron calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Hellen,
Biggs,	Hester,
Boyd,	Jeffreys,
Cowper,	Joyner, (of H.)
Drake,	Shepard,
Eaton,	Speight,
Ennett,	Stowe,
Exum,	Thompson, (of B.)
Gwynn,	Thompson, (of W.)
Halsey,	Tomlinson.—20.

Those who voted in the negative, were

Messrs. Bogle,	Messrs. Lindsay,
Boyden,	Melvin,
Cameron,	McMillan,
Dockery,	Pharr,
Edwards,	Reich,
Elliott,	Smith,
Etheridge,	Stallings,
Francis,	Tayloe,
Gavin,	Waddell,
Hargrave,	Walker,
Hill,	Wilson,
Holmes,	Woodfin,
Jefferson,	Worth.—27.
Joiner, (of P.)	

The Bill was then rejected by the following vote,

Mr. Cowper calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,	Messrs. Joyner, (of H.)
Bogle,	Lindsay,
Boyden,	McMillan,
Cameron,	Pharr,
Dockery,	Reich,
Edwards,	Smith,
Elliott,	Tayloe,

Francis,
Hargrave,
Hellen,
Jefferson,

Waddell,
Woodfin,
Worth.—21.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cowper,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Halsey,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Joiner, (of P.)
Shepard,
Speight,
Stallings,
Stowe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—25.

Mr. Albright presented the following Resolution :

Resolved, That a message be sent to the House of Commons, proposing that the two Houses of the Legislature adjourn *sine die* on Thursday next, the 9th of January.

Which was read and adopted.

Received from the House of Commons a message, stating that Messrs. C. L. Payne, Nixon, Haughton and Wilder form their Committee on Enrolled Bills the present week.

Whereupon, the Speaker announced to the Senate that Messrs. Lindsay and Jeffreys compose the Committee on the part of the Senate, on Enrolled Bills, the present week; and the House of Commons was informed thereof by message.

The Speaker presented to the Senate a message from His Excellency, the Governor, therein transmitting to the Legislature a communication of the President of the Dismal Swamp Canal Company, alleging that the navigation of Roanoke river has been obstructed by the erection of a Bridge across said River, by the Petersburg Rail Road Company.

Which was read, and on motion of Mr. Shepard, ordered to be sent to the House of Commons, with a proposition to print.

The Speaker announced to the Senate, that Messrs. Biggs, Thompson, (of B.) Joyner, (of H.) Cowper and Stallings form the Committee on the Bill to prevent the obstruction of fish passing up the Roanoke and Cashie Rivers, and their waters, and the Albemarle Sound.

On motion of Mr. Albright, the Senate took a recess until half-past six o'clock.

—
HALF PAST 6 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Francis presented a Bill, entitled a Bill, to provide for connecting Cherokee County with the other portions of North Carolina, by means of a Road, which can be travelled over with safety to the lives of its citizens.

Which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate:

A Bill to allow the Justices of the Peace of Hyde County to lay a tax, for the purpose of purchasing the Mattamuskeet and Rosebay Turnpike;

A Bill to incorporate the Town of Pittsboro', in the County of Chatham;

A Bill providing for the re-organization of the Portsmouth and Roanoke Rail Road Company;

Which were severally read the first time and passed.

Received from the House of Commons a message, stating that they concur in the amendment of the Senate, to the Engrossed Bill, entitled a Bill, concerning the Superior Court of Currituck County.

They also concur in the amendment of the Senate, to the Engrossed Bill to authorize the foreclosure of the Mortgage of the Raleigh & Gaston Rail Road.

Received from the House of Commons a message, stating that they do not concur in the amendments of the Senate to the Engrossed Bill, entitled a Bill, providing for the appointment of Engrossing Clerks.

Which was read, and on motion of Mr. Biggs, laid on the table.

Received from the House of Commons, the resignation of John Pholur, a Justice of the Peace for the County of Wilkes.

Which was read and accepted.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate:

A Bill to establish a new Regiment out of the Militia in the County of Union;

A Resolution in favor of Thomas W. Rooker;

A Bill to amend the Revised Statutes, entitled an Act concerning Legacies, Filial Portions, and Distributive Shares, and the Revised Statute—"Descents;"

A Bill to incorporate the Trustees of Bethania Society and Academy, in Stokes County.

Said Bills were severally read the first time and passed.

The Resolution was read the first, second and third times and passed, and ordered to be Enrolled.

Received from the House of Commons, the following resignations of Justices of the Peace:

Alexander Cunningham, a Justice of the Peace for the County of Person;

William Ennett, a Justice of the Peace for the County of Onslow;

Which were severally read and accepted.

Mr. Thompson, (of B.) presented a Bill, entitled a Bill, to locate the residence of the Judges hereafter to be elected.

Which was read the first time and passed.

The Bill, entitled a Bill, to amend the 103d Chapter of the Revised Statutes, entitled an Act concerning the improvement of Rivers and Creeks, and to prevent obstruction to their navigation; and the Bill, entitled a Bill, to authorize the Sheriff of Gates County to collect arrearages of Taxes, were taken up.

The first named Bill was read the second and third times and passed, and ordered to be Engrossed.

The last named Bill was read the second time and rejected.

The Bill, entitled a Bill, to authorize the payment of Tales Jurors in the County of Stokes, was taken up, read the second and third times and passed, and ordered to be Engrossed.

The Senate then took up the Bill, entitled a Bill, to amend the 6th Section of an Act, entitled an Act concerning the Powers and Jurisdiction of Justices of the Peace;

A Resolution in relation to the obstruction to the navigation of Pungo River, occasioned by the opening of Pungo Canal.

Which were read the second time and rejected.

The Bill, entitled a Bill, declaratory of the meaning of the Act, entitled an Act to aid the Internal Improvements of this State; the Bill, entitled a Bill, to repeal a part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, Section 1, as to the time and manner of electing Wardens of the Poor, so far as relates to the County of Northampton, were taken up, read the second and third times and passed, and ordered to be Engrossed.

The Engrossed Bill, entitled a Bill, to secure to the citizens of this State the right of fishing in the navigable waters of this State, was taken up, read the second time, and on motion of Mr. Francis, laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill, to appoint Commissioners to view and lay off a Road in the County of Ashe.

Which was read the second and third times, amended on motion of Mr. McMillan, and passed, and sent to the House of Commons for their concurrence.

The Engrossed Bill, entitled a Bill, assenting to the purchase by the United States, of certain Land in the Town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain conditions and limitations therein contained, was taken up, read the second and third times, passed, and ordered to be Enrolled.

The Senate then took up the Bill, entitled a Bill, to alter the time of holding the Superior Courts of Law and Equity for the Counties of Rockingham and Guilford; and a Bill, entitled a Bill, concerning the return of civil process before Magistrates.

The first named Bill was read the second and third times, passed, and ordered to be Engrossed.

The last named Bill was read the second time, and on motion of Mr. Halsey, indefinitely postponed.

The Engrossed Bill, entitled a Bill, concerning Passengers in Vessels coming to the ports of this State, was taken up, read the second time, and on motion of Mr. Hellen, laid on the table.

The Engrossed Bill, entitled a Bill, to compel the entry-taker of Union County to keep his office at the Court House of said County, was taken up, read the second time, and on motion of Mr. Walker, indefinitely postponed.

The Senate took up the Engrossed Bill, entitled a Bill, supplemental to an Act passed in the year 1838, entitled an Act supplemental to an Act passed in the year 1834, to lay off and establish a Road from Morganton to the Tennessee line.

Which was read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to provide for the opening and clearing out of Muddy Creek, and its branches, in Stokes County, was taken up, read the second and third times and passed, and ordered to be Enrolled.

On motion of Mr. Halsey, the Engrossed Bill, entitled a Bill, to secure to the citizens of this State the right of fishing in the navigable waters of the State, was taken up, read the second time, and passed.

The Bill was then read the third time and passed, by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Edwards,
Elliott,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,

Messrs. Holmes,
Jefferson,
Jeffreys,
Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Melvin,
Speight,
Stallings,
Stowe,
Tayloe,
Thompson, (of B.)
Thompson (of W.)
Tomlinson,

Gwynn,
Halsey,
Hester,
Hill,

Walker,
Wilson,
Worth.—35.

Those who voted in the negative, were

Messrs. Boyden,
Dockery,
Hellen,

Messrs. Pharr,
Smith.—5.

Received from the House of Commons a message, stating that they concur in the amendments of the Senate, to the Engrossed Bill, entitled a Bill, to appoint Commissioners to view and lay off a Road in the County of Ashe.

The Bill, entitled a Bill, to incorporate the Lake Drummond and Orapeak Canal Company, was taken up, read the second and third times, passed, and ordered to be Engrossed.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, to print the accompanying Message of his Excellency, the Governor, and accompanying documents.

The Resolution in favor of J. W. Rowland, Sheriff of Robeson, was taken up, read the second time, and rejected.

The Engrossed Resolution in favor of Thomas Wilson, Sheriff of Yancy County, was taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, to loan to the North Carolina Military Academy at Raleigh, for the use of the Cadets thereof, the necessary Military arms and equipments, was taken up, and read the second and third times.

Mr. Joyner, (of H.) moved to amend the Bill, by inserting after the word "Raleigh," in the title of the Bill, the words, "and Raleigh Academy."

Mr. Eaton moved to amend the amendment of Mr. Joyner, by adding the words, "Academy at Henderson."

Which was rejected.

The question was then taken on the amendment of Mr. Joyner.

Which was also rejected.

The Bill then passed, and was ordered to be Enrolled.

The Bill, entitled a Bill, to authorize the removal of the County seat, in Wayne County, from the Town of Waynesborough to the Village of Goldsboro', in said County of Wayne, in the event the people of said County shall vote for such removal, was taken up, read the second and third times, passed, and ordered to be Engrossed.

The Resolution directing the Literary Board to lend Fifteen Hundred Dollars to the Asheville Female Boarding House Company, was taken up, and read the second and third times.

Mr. Tomlinson moved that the Resolution be indefinitely postponed.

Which motion was rejected by the following vote :

Those who voted in the affirmative, were

Messrs. Albright,
Boyd,
Cameron,
Drake,
Eaton,
Exum,
Gavin,
Gwynn,

Messrs. Hester,
Melvin,
Reich,
Speight,
Stowe,
Tomlinson,
Walker.—15.

Those who voted in the negative, were

Messrs. Biggs,
Bogle,
Boyden,
Cowper,
Dockery,
Edwards,
Elliott,
Ennett,
Francis,
Halsey,
Hellen,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Pharr,
Smith,
Tayloe,
Thompson, (of W.)
Wilson,
Woodfin,
Worth.—21.

The Resolution then passed, and was ordered to be Engrossed.

The Bill, entitled a Bill, to authorize the holding of two additional Terms of the Court of Pleas and Quarter Sessions, in and

for the County of Catawba, at which there shall be no Jury trials, was taken up, read the second and third times, passed, and was ordered to be Engrossed.

The Senate took up the Bill, entitled a Bill, to revive and continue in force an Act, entitled an Act, to incorporate the Raleigh and Columbian Rail Road Company.

Which was read the second time,

And on motion of Mr. Biggs, was laid on the table.

The Bill, entitled a Bill, to locate the Court House in the County of Catawba, at the Town of Newton;

The Bill, entitled a Bill, for the more speedy administration of Justice;

Were taken up. The first named Bill was read the second and third times, passed, and was ordered to be Engrossed. The last named Bill was read the second time, and on motion of Mr. Halsey, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to make County Surveyors act as Processioners in certain cases;

The Bill, entitled a Bill, to incorporate Pine Encampment Lodge, No. 3, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill, entitled a Bill, to amend an Act, entitled an Act, to authorize the laying out and establishing a Turnpike Road from the South Carolina line at some point near the Block House in Rutherford County, to Cain Creek Bridge in Buncombe County;

And the Resolution in favor of William Ennett;

Were taken up, severally read the second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill, entitled a Bill, to incorporate Dunn Faison Academy, in the County of Duplin;

And the Bill, entitled a Bill, to incorporate a Corps of Cavalry, in the County of Chowan;

Were taken up, each were read the second and third times, passed, and were ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to prevent obstructions in Hitchcock's Creek, in the County of Richmond, was taken up, read the second and third times, amended and passed.

The Engrossed Bill, entitled a Bill, to divide the Militia of the County of Anson, into two Regiments;

The Bill, entitled a Bill, to improve the navigation of Cypress Creek, in Bladen County;

And the Bill, entitled a Bill, concerning the Superior Courts of Cleaveland County;

Were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Senate then took up the Bill, entitled a Bill, to regulate the 70th and 71st Regiment of North Carolina Militia;

And the Bill making further compensation to the Jurors of the County of Northampton;

Which were severally read the second and third times, passed, and ordered to be Engrossed.

The Bill, entitled a Bill, to prevent Free Negroes and Mulattoes from trafficking in ardent spirits, was taken up, read the second and third times, amended on motion of Mr. Stallings, passed, and ordered to be Engrossed.

The Senate then took up the Engrossed Bill, entitled a Bill, to amend the 58th Section of the Revised Statutes, entitled Courts—County and Superior.

Which was read the second time, amended, and then rejected.

The Engrossed Bill, entitled a Bill, for the relief and benefit of Orphans, was taken up, read the second time and rejected.

On motion of Mr. Drake, the Senate adjourned until to-morrow morning ten o'clock.

TUESDAY, JAN. 7, 1845.

The Senate met according to adjournment.

Mr. Gwynn, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the Counties of Edgecomb and Pitt, praying the Legislature to pass an Act preventing the fishing with seines and nets from Randolph's Mill, on Great Conetoe, reported adversely thereto, and asked to be discharged from its further consideration.

They were discharged accordingly.

Mr. Gwynn, from the same Committee, to whom was referred the petition of sundry citizens of Davidson County, praying for the repeal of an Act of the General Assembly, passed at the Session of 1842-43, preventing fishing by fire-light in Hambie's Creek, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Biggs, from the Committee to whom was referred a Bill, to amend an Act of the General Assembly of North Carolina, passed at its Session of 1824-25, to amend the several Acts to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, and their waters, and the Albemarle Sound, so far as extends to the Cashie river, reported the same to the Senate, and asked to be discharged from the further consideration of the subject.

They were discharged accordingly.

Mr. Dockery presented a Bill, entitled a Bill, fixing the Tolls in future, for crossing Davis' Bridge, over Rockfish Creek, on the line between the Counties of Robeson and Cumberland.

Which was read the first time and passed.

Mr. Eaton presented the following Preamble and Resolution:

WHEREAS, It appears from the report of the Public Treasurer, made to the Senate in pursuance of a Resolution of this body, per Comptroller's Report, made the 20th of December, 1842, and Document No. 41, and report of the Governor on expenses of Literary and Internal Improvement Boards, to this General Assembly, that His Excellency, John M. Morehead, has received from the Public Treasury, the sum of Nine Hundred and Seventy-five Dollars, for *per diem* services as President *ex officio* of the Literary and Internal Improvement Boards, without the authority of Law, as appears from the opinion of the Attorney General, transmitted with said Report. Therefore,

Be it Resolved, That His Excellency, John M. Morehead, be requested by the Public Treasurer, to pay into the Public Treasury, the said sum of Nine Hundred and Seventy-five Dollars, and upon the refusal of the said John M. Morehead to pay the said sum of Nine Hundred and Seventy-five Dollars, that the Attorney General of the State be, and he is hereby directed, to institute suit against the said John M. Morehead, for the recovery of the amount aforesaid.

Which was read the first time and passed.

Mr. Woodfin presented the following Preamble and Resolution:

WHEREAS, the duties of the Comptroller's Office have increased four-fold since the salary was fixed by Law, and extra labor without compensation is thrown upon the Department, and no provision is made for the unavoidable absence, from sickness or otherwise, of the Comptroller from the Office. Therefore,

Resolved, That the Comptroller of Public Accounts of this State be allowed the sum of Five Hundred Dollars annually, for the purpose of compensating a Clerk to aid in discharging the duties of said Department, and that the same be paid on the Warrant of the Governor, quarterly.

Which was read the first time and passed.

On motion of Mr. Waddell, the Engrossed Resolution in favor of William Davidson, was taken up, read the second and third times, and passed by the following vote,

Mr. Melvin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,

Boyden,

Cameron,

Cowper,

Dockery,

Elliott,

Etheridge,

Halsey,

Hellen,

Hester,

Hill,

Jefferson,

Messrs. Joyner, (of H.)

McMillan,

Pharr,

Reich,

Smith,

Stowc,

Tayloe,

Walker,

Wilson,

Woodfin,

Worth.—23.

Those who voted in the negative, were

Messrs. Boyd,

Drake,

Eaton,

Edwards,

Messrs. Holmes,

Jeffreys,

Joiner, (of P.)

Speight,

Exum,
Ennett,
Gavin,
Gwynn,

Stallings,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson.—16.

Ordered that said Resolution be Enrolled.

The Bill, entitled a Bill, to lay off and establish a new County by the name of Jefferson, was taken up, read the second time, and on motion of Mr. Boyden, indefinitely postponed by the following vote,

Mr. Reich calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Boyd,
Boyden,
Cowper,
Dockery,
Drake,
Eaton,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,

Messrs. Halsey,
Hill,
Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Melvin,
Speight,
Stallings,
Tayloe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Woodfin.—27.

Those who voted in the negative, were

Messrs. Bogle,
Cameron,
Hellen,
Hester,
Holmes,
Jefferson,

Messrs. Jeffreys,
McMillan,
Reich,
Smith,
Stowe,
Wilson.—12.

Received from the House of Commons a message, proposing that both Houses of this General Assembly adjourn *sine die* on Thursday, the 9th instant; and that the Clerks make up the estimates to that time.

Which was read and agreed to.

Mr. Cameron presented a Bill, entitled a Bill, to repeal an Act passed in the year 1825, concerning Fire Companies in the Town of Fayetteville.

Which was read the first time and passed.

The Bill, entitled a Bill, proposing an amendment to the Constitution of the State, was taken up, read the second time, and on motion of Mr. Drake, postponed until the 4th of March next, by the following vote,

Mr. Tomlinson calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Edwards,

Ennett,

Etheridge,

Exum,

Gavin,

Gwynn,

Hester,

Hill,

Messrs. Holmes,

Jeffreys,

Melvin,

Reich,

Shepard,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—25.

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Elliott,

Halsey,

Hellen,

Jefferson,

Joyner, (of H.)

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Pharr,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—20.

On motion of Mr. Tayloe, the Engrossed Bill, entitled a Bill, to amend the 123d Chapter of the Acts of the Revised Statutes,

entitled an Act concerning Wrecks and Wrecked Property, was taken up, and on his motion amended, passed the third time, and ordered to be sent to the House of Commons for their concurrence.

Mr. Jeffreys moved that the vote by which was rejected the Engrossed Bill, to amend the 58th Section of the Revised Statutes, entitled Courts—County and Superior, be reconsidered.

Which motion was agreed to.

The Bill was then, on his motion, laid on the table.

Mr. Boyden, from the Committee to whom was referred so much of the Governor's Message as relates to Asylums, reported a Bill, entitled a Bill, to provide for the education and maintenance of the poor and destitute Deaf Mutes and Blind persons in this State.

Which was read the first time and passed.

On motion of Mr. Dockery, the Report in relation to Asylums was ordered to be printed.

The Bill, entitled a Bill, for the more speedy and equitable settlement of the estates of deceased persons, was taken up, and on motion of Mr. Edwards, laid on the table.

Mr. Joyner, (of P.) presented a Bill, entitled a Bill, to authorize the Court of Pleas and Quarter Sessions of Pitt County to appoint special Justices of the Peace, and making compensation to said Justices, for certain services.

Which was read the first time and passed!

On motion of Mr. Francis, the Bill, entitled a Bill, for laying taxes to meet the extraordinary demands upon the Treasury of the State, was taken up, and read the second time.

Mr. Shepard moved that the Bill be laid on the table.

Which motion was rejected by the following vote :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Edwards,
Elliott,

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Melvin,
Reich,
Shepard,
Smith,

Ennett,
Gavin,
Joyner, (of H.)

Tayloe,
Thompson, (of B.)
Worth.—20.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Etheridge,
Exum,
Francis,
Gwynn,
Halsey,
Hellen,
Hester,

Messrs. Holmes,
Jefferson,
Jeffreys,
Pharr
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Woodfin.—24.

Mr. Worth then moved that the Bill be indefinitely postponed.
Which motion prevailed by the following vote,
Mr. Francis calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cameron,
Cowper,
Dockery,
Eaton,
Edwards,
Elliott,
Ennett,
Gavin,
Halsey,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
Melvin,
McMillan,
Pharr,
Reich,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,

Messrs. Jeffreys,
Speight,

Drake,
Exum,
Francis,
Gwynn,
Hellen,
Hester,
Holmes,
Jefferson,

Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson,
Woodfin.—19.

The Resolution, appropriating one thousand dollars for purchase of Furniture for the Governor's House, was taken up and read the second time.

Mr. Thompson, (of B.) moved to amend the Resolution, by striking out "one thousand," and inserting in lieu thereof, "two thousand."

Which motion was rejected by the following vote,
Mr. Speight calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Boyden,
Cowper
Dockery,
Elliott,
Halsey,
Hellen,
Joyner, (of H.)
Lindsay,

Messrs. Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Woodfin,
Worth.—15.

Those who voted in the negative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Drake,
Eaton,
Edwards,
Ennett,
Exum,
Gavin,
Gwynn,
Hester,

Messrs. Holmes,
Jefferson,
Jeffreys,
Joiner, (of P.)
Melvin,
McMillan,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Wilson.—26.

The Resolution was then read the third time, passed, and ordered to be Engrossed.

The Bill, entitled a Bill, to provide for holding a Session of the Supreme Court once a year in the Western part of the State, was taken up, and on motion of Mr. Jeffreys, laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill, to revive and continue in force an Act passed in the year 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County.

Which was read the second time, and on motion of Mr. Holmes, postponed until the 4th March next, by the following vote:

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,

Boyd,

Cameron,

Cowper,

Drake,

Eaton,

Ennett,

Etheridge,

Exum,

Gavin,

Gwynn,

Halsey,

Messrs. Hester,

Holmes,

Jeffreys,

Melvin,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—25.

Those who voted in the negative, were

Messrs. Bogle,

Boyden,

Dockery,

Edwards,

Elliott,

Hellen,

Jefferson,

Joyner, (of H.)

Joiner, (of P.)

Messrs. Lindsay,

McMillan,

Pharr,

Shepard,

Smith,

Tayloc,

Thompson, (of B.)

Woodfin,

Worth.—18.

The Engrossed Bill, entitled a Bill, providing for the re-organ-

ization of the Portsmouth and Roanoke Rail Road Company, was taken up, and read the second time.

Mr. Speight moved that the Bill be laid on the table.

Which motion was rejected by the following vote :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,
Exum,
Gavin,
Gwynn,
Hester,

Messrs. Holmes,
Jeffreys,
Melvin,
Reich,
Speight,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker.—19.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Edwards,
Elliott,
Etheridge,
Halsey,
Hellen,
Joyner, (of H.)

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—22.

Mr. Biggs moved to amend the Bill, by adding to the fourth section the following *Proviso* :

And provided further, That so much of the Charter heretofore granted to the Portsmouth and Roanoke Rail Road Company, as authorizes the President and Directors of the said Company, by themselves, their officers, agents, or servants, to enter upon any Lands adjacent to the line of said Road, without the consent of the proprietor thereof, and take therefrom, wood, stone, gravel, or earth, for the repairing and keeping up the said Road, shall not be in force by virtue of this Act; but such entry and taking of timber, stone, gravel, or earth, shall only be allowed to the Company hereby created, upon the license of the owner for that purpose first had, and obtained by the Company.

Which was read and adopted.

Mr. Biggs moved further to amend the Bill, by adding the following Section :

Be it further enacted, That if any Judgment or decree shall be at any time obtained before any competent Tribunal in this State against the Company hereby created, and the same shall not be paid by the Company, it shall be lawful for the Plaintiff in such Judgment or decree, to sue out a *fieri facias*, and cause to be seized and sold by the Officer, to whom the same is directed, any Locomotive, Engine, Car, Coach, or other goods and chattels that may be found ; and if not a sufficiency thereof to satisfy such execution, then, and in such case, it shall be the duty of the Officer having such execution, to levy the same upon any or all of the said Rail Road, lying within his County, and the same to sell to the highest bidder, together with all the fixtures and Machinery pertaining, or in any wise belonging thereto. Such sale of said Road to be made (after forty days public notice,) on said Road, or within view of some point thereof.

Which was read.

Pending the question,

The Senate, on motion of Mr. Edwards, adjourned until half past three o'clock, P. M.

HALF PAST 3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, concurring in the amendments of the Senate, to the Engrossed Bill, entitled a Bill, to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property ;

Also, in the amendments to a Bill, entitled a Bill, to prevent obstructions in Hitchcock's Creek, in the County of Richmond ;

And in the amendments to the Bill, entitled a Bill, to secure to the citizens of this State, the right of fishing in the navigable waters of this State.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate :

A Bill to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots ;

A Bill to amend the Revised Statutes, entitled Rivers and Creeks ;

Resolution in favor of Door-keepers ;

Resolution relating to the interchange of documents ;

Resolution relating to the Statue of Washington ;

Said Bills and Resolutions were severally read the first time and passed.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate :

Resolution in favor of Michael Francis ;

A Bill, to give to the County Courts for the County of Stanly, two Jury terms ;

A Bill to authorize Wm. Bland, of the County of Chatham, to construct a Dam across Haw river, and to erect a mill thereon ;

A Bill to provide a suitable punishment for owners or occupiers of houses burning the same, under the circumstances therein mentioned ;

A Bill making compensation to Tales Jurors, in the County of Person ;

A Bill to change the place of holding the County Courts of McDowell County ;

A Bill to lay off a Public Road in Cherokee County, and to make an appropriation for the same ;

A Bill concerning Sheriffs and Constables ;

Said Bills and Resolutions were severally read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate :

A Bill to incorporate the Trustees of the Morganton Academy ;

A Bill to incorporate a Volunteer Infantry Company, in Washington, Beaufort County ;

A Bill to amend the Revised Statutes, entitled Religious Societies ;

A Bill to make a Canal from Cape Fear to Lumber River ;

A Bill to authorize the making a Turnpike Road in Wilkes County, and to incorporate a Company for that purpose;

Said Bills were severally read the first time and passed.

Received from the House of Commons a message, informing the Senate that they have passed the Engrossed Bill, entitled a Bill, to repeal part of an Act of the General Assembly of the State of North Carolina, Revised Statutes, Chapter 89, Section 1, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Northampton, and have amended the same by striking out Northampton County, and inserting Yancy County.

Which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate:

A Bill relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties;

A Bill to open the Pedee and Yadkin Rivers;

A Bill to incorporate a Corps of Cavalry, in the County of Perquimons;

A Bill to cede a portion of Rutherford County to the County of Cleaveland;

A Bill to incorporate the Fayetteville Library Institute;

A Bill to amend an Act ratified the 26th day of January 1843, entitled an Act to punish the default of Returning Officers, in the election of Electors for President and Vice President of the United States;

A Bill to amend the Act of 1792, and other subsequent Acts, relative to the Charter of the City of Raleigh.

A Bill to exempt Justices of the Peace from working on the Public Highways.

Said Bills were severally read the first time and passed.

Received from the House of Commons the resignation of Timothy Moser, a Justice of the Peace for the County of Catawba.

Which was read and accepted.

Mr. Boyden presented a Bill, entitled a Bill, for the establishment of a Lunatic Asylum.

Which was read the first time and passed.

The Senate then took up the unfinished business of the morning, to-wit: the Bill, entitled a Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

The question was on the amendment proposed by Mr. Biggs.

Which was decided in the negative, by the following vote,
Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Ennett,

Etheridge,

Exum,

Gavin,

Gwynn,

Holmes,

Messrs. Jeffreys,

Melvin,

Reich,

Speight,

Stallings,

Stowe,

Thompson (of W.)

Tomlinson,

Walker,

Wilson.—21.

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Edwards,

Elliott,

Francis,

Halsey,

Hargrave,

Hellen,

Hill,

Jefferson,

Messrs. Joyner, (of H.)

Joiner, (of P.)

Lindsay,

McMillan,

Pharr,

Shepard,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—25.

Mr. Biggs then moved to add the following section thereto:

Be it further enacted, That the Portsmouth and Roanoke Rail Road Company shall pay into the Treasury of this State, an annual tax of twenty-five cents for each person who may travel across their Bridge at Weldon; and it shall be the duty of the President of said Company, annually to report to the Treasurer the number of persons who have travelled over the said Bridge.

Mr. Shepard moved to amend the amendment of Mr. Biggs, by adding the following, to-wit:

"Which tax shall not be paid by the Company, unless the Petersburg Rail Road Company accept the amendment to their charter, granted at this Session, by which a similar tax was to be paid by that Company."

Which was read and adopted.

The question was then taken on the amendment, as amended.

Which was decided in the negative, by the following vote,

Mr. Holmes calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Ennett,

Etheridge,

Exum,

Gavin,

Gwynn,

Holmes,

Messrs Jefferson,

Jeffreys,

Melvin,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—22.

Those who voted in the negative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Edwards,

Elliott,

Francis,

Hargrave,

Hellen,

Hill,

Joyner, (of H.)

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Pharr,

Shepard,

Smith,

Taylor,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—23.

The Bill then passed by the following vote,
Mr. Holmes calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,

Bogle,

Boyden,

Cowper,

Dockery,

Edwards,

Elliott,

Halsey,

Hargrave,

Hellen,

Hill,

Joyner, (of H.)

Messrs. Joiner, (of P.)

Lindsay,

McMillan,

Pharr,

Shepard,

Smith,

Tayloe,

Thompson, (of B.)

Waddell,

Woodfin,

Worth.—23.

Those who voted in the negative, were

Messrs. Biggs,

Boyd,

Cameron,

Drake,

Eaton,

Ennett,

Etheridge,

Exum,

Francis,

Gavin,

Gwynn,

Holmes,

Messrs. Jefferson,

Jeffreys,

Melvin,

Reich,

Speight,

Stallings,

Stowe,

Thompson, (of W.)

Tomlinson,

Walker,

Wilson.—23.

The Speaker voted in the affirmative.

The Bill was then taken up.

Mr. Cameron moved that the Bill be laid on the table.

Which motion was decided in the negative, by the following vote,

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,

Messrs. Holmes,
Jeffreys,
Melvin,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—22.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Edwards,
Elliott,
Halsey,
Hargrave,
Hellen,
Hill,
Jefferson,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Mr. Holmes moved that the Senate adjourn until half-past six o'clock.

Which motion was decided in the negative, by the following vote :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,

Messrs. Holmes,
Jeffreys,
Melvin,
Reich,
Speight,
Stallings,

Exum,
Francis,
Gavin,
Gwynn,
Halsey,

Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—22.

Those who voted in the negative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper
Dockery,
Edwards,
Elliott,
Etheridge,
Hargrave,
Hellen,
Hill,
Jefferson,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

The Bill was then read the third time and passed, by the following vote,

Mr. Tomlinson demanding the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Boyden,
Cowper,
Dockery,
Edwards,
Elliott,
Halsey,
Hargrave,
Hellen,
Hill,
Jefferson,

Messrs. Joyner, (of H.)
Joiner, (of P.)
Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin,
Worth.—24.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,

Messrs. Holmes,
Jeffreys,

Cameron,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Francis,
Gavin,
Gwynn,
Hester,

Melvin,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—23.

Ordered that said Bill be Enrolled.

On motion of Mr. Joyner, (of H.)

Ordered, That Mr. Albright have leave of absence from the service of the Senate, from and after to-morrow, the balance of the Session.

On motion of Mr. Dockery, the Senate took a recess until quarter after seven o'clock, P. M.

QUARTER PAST 7 O'CLOCK, P. M.

The Senate met pursuant to adjournment,
And took up the Engrossed Bill, entitled a Bill, for the relief of Samuel Lowers.

Which was read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to amend the 8th Section of the 50th Chapter of the Revised Statutes, entitled an Act concerning Frauds and Fraudulent Conveyances;

And the Bill, entitled a Bill, to establish a new Regiment out of the Militia in the County of Union;

Were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Bill, entitled a Bill, to amend the Revised Statutes, entitled an Act concerning Legacies, Filial Portions and Distributive

Shares; and the Revised Statutes—"Descents," were taken up, read the second and third times, passed, and ordered to be Enrolled.

Mr. Waddell, from the Joint Select Committee to whom was referred the Message of His Excellency, Governor Morehead, in relation to the compensation of the Governor, as President *ex officio* of the Literary and Internal Improvement Boards, made a report on the subject referred to them.

Which was read, and on motion of Mr. Dockery, ordered to be sent to the House of Commons.

Mr. Biggs, from the minority of said Committee, made a counter report thereon.

Which was read, and ordered to be sent to the House of Commons.

The Engrossed Bill, entitled a Bill, to incorporate Bethania Academy and Society, in the County of Stokes, was taken up, read the second and third times, passed, and ordered to be Enrolled.

Mr. Thompson, (of W.) presented the following Resolution:

Resolved, That R. W. Ashton be, and he is hereby authorized to enclose with a rail fence, a certain lot of land belonging to the State, in the Eastern part of the City of Raleigh, known by the name of the Barringer lot.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

On motion of Mr. Biggs, the Bill, entitled a Bill, to amend an Act, entitled an Act to provide for the collection and management of a revenue for this State, was taken up, read the third time and passed, by the following vote,

Mr. Francis calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,

Biggs,

Bogle,

Boyd,

Boydén,

Cameron,

Cowper,

Dockery,

Messrs. Halsey,

Jefferson,

Jeffreys,

Joyner, (of H.)

Melvin,

Smith,

Taylor,

Thompson, (of B.)

Drake,	Thompson, (of W.)
Eaton,	Tomlinson,
Elliott,	Waddell,
Ennett,	Walker,
Etheridge,	Woodfin,
Exum,	Worth.—29.
Gavin,	

Those who voted in the negative, were

Messrs. Francis,	Messrs. Speight,
Gwynn,	Stallings,
Hellen,	Stowe,
Joiner, (of P.)	Wilson.—9.
McMillan,	

Ordered that said Bill be Engrossed.

On motion of Mr. Halsey, the Engrossed Bill, providing for the appointment of Engrossing Clerks, was taken up, read, and the amendment of the Senate thereto was insisted upon, and the House of Commons was informed thereof by message.

The Engrossed Bill, entitled a Bill, to allow the Justices of the Peace of Hyde County, to lay a Tax for the purpose of purchasing the Mattamuskeet and Rosebay Turnpike, was taken up, read the second and third times, passed, and was ordered to be Enrolled.

Received from the House of Commons a message, stating that they concur in all the amendments of the Senate, to the Bill, entitled a Bill, supplemental to an Act passed at the General Assembly of 1842-43, entitled an Act to lay off and establish a County by the name of McDowell, except the amendment marked A.

Which was read, and the amendment of the Senate insisted upon, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have rejected the Engrossed Bill, entitled a Bill, to amend the Revised Statutes, entitled "Courts of Equity."

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to prevent the levying executions upon Growing Crops, until said Crops are matured, with an amendment marked A.

Which was read, and not agreed to.

The Bill, entitled a Bill, to incorporate the Town of Pittsboro', in the County of Chatham, was taken up, read the second and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, concerning a Penitentiary, with the amendment marked A, in lieu of the fourth section.

Which was read, and concurred in.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to make Real Estate Assets, in which they ask the concurrence of the Senate.

Which was read the first time and passed.

On motion of Mr. Boyden, the Bill to alter the times of holding Courts, was taken up, and on his motion made the order of the day for to-morrow, at 11 o'clock.

The Engrossed Bill, entitled a Bill, relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties; and a Resolution relating to the interchange of Documents, were taken up, and read the second and third times.

The Resolution was amended, on motion of Mr. Francis, and passed.

Ordered that said Bill be Enrolled.

The Senate then took up the Engrossed Bill, to change the place of holding the County Courts of McDowell County.

Which was read the second and third times, amended on motion of Mr. Boyden, passed, and ordered to be sent to the House of Commons for their concurrence.

The Resolution relating to the Statue of Washington;

The Bill, entitled a Bill, to give to the County Courts of Stanly County, two Jury terms;

Were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots;

The Engrossed Resolution in favor of Michael Francis;

And the Engrossed Bill, making compensation to Tales Jurors in the County of Person;

Were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Senate took up the Engrossed Bill, entitled a Bill, to exempt Justices of the Peace from working on the public highways.

Which was read the second and third times, amended on motion of Mr. Dockery, and on motion of Mr. Biggs, laid on the table.

The Engrossed Bill, entitled a Bill, to cede a portion of Rutherford County to the County of Cleaveland;

The Bill, entitled a Bill, to incorporate the Fayetteville Library Institute;

And the Bill, entitled a Bill, to incorporate a Corps of Cavalry in the County of Perquimons;

Were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Resolution in favor of the Door-keepers; and the Resolution in favor of the Commissioners of Raleigh, were taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to amend the Act of 1792, and other subsequent Acts, relative to the charter of the City of Raleigh, was taken up, read the second time, and on motion of Mr. Thompson, (of W.) indefinitely postponed.

The Engrossed Bill, entitled a Bill, to amend the Revised Statutes, entitled Rivers and Creeks, was taken up, read the second time, and on motion of Mr. Melvin was laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill, to incorporate a Volunteer Infantry Company, in Washington, Beaufort County;

The Bill, entitled a Bill, to incorporate the Trustees of the Morganton Academy;

Which were severally read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to authorize William Bland, of the County of Chatham, to construct a dam across Haw river, and to erect a Mill thereon, was taken up, read the second time, and on motion of Mr. Waddell, was postponed indefinitely.

The Bill, entitled a Bill, to authorize the Court of Pleas and Quarter Sessions of Pitt County, to appoint special Justices of the Peace, and making compensation to said Justices, for certain services;

And the Bill, entitled a Bill, fixing the Tolls in future for crossing Davis' Bridge over Rock Fish Creek on the line between the Counties of Robeson and Cumberland;

Were taken up, read the second and third times, passed, and ordered to be Engrossed;

The Engrossed Bill, entitled a Bill, to amend an Act ratified the 26th day of January 1843, entitled an Act to punish the default of returning Officers in the election of Electors for President and Vice President of the United States, was taken up, and read the second time, and on motion of Mr. Franeis was laid on the table.

The Bill, entitled a Bill, to authorize the making a Turnpike Road in Wilkes County, and to incorporate a Company for that purpose, was taken up, read the second time, amended on motion of Mr. McMillan, and on his motion was laid on the table.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill from the Senate, with an amendment: "Add to the 13th section the words, and no Committee man, whilst acting as such, shall be a Teacher in any Common School."

Which was read and concurred in.

The Engrossed Bill, entitled a Bill, to incorporate the Carthage Male and Female Aeademies, in the County of Moore, was taken up, read the second and third times, passed, and was ordered to be Enrolled.

The Senate then took up the Engrossed Bill, entitled a Bill, to provide a suitable punishment for owners or occupiers of Houses, burning the same under the circumstances therein mentioned.

Which was read the second time, and on motion of Mr. Hellen was laid on the table.

The Engrossed Bill, entitled a Bill, concerning Sheriffs and Constables, was then taken up, and on motion of Mr. Exum was laid on the table.

The Senate took up the Bill, entitled a Bill, to open Pedee and Yadkin Rivers.

Which was read the second and third times, passed, and was ordered to be Enrolled.

The Bill, entitled a Bill, to amend an Act of the General Assembly of North Carolina, passed at its session of 1824-25, to amend the several Acts to prevent the obstruction of Fish passing up the Roanoke and Cashie Rivers and their waters, and the Albemarle Sound, so far as extends to the Cashie river, was taken up, read the second time, and on motion of Mr. Hellen, was laid on the table.

The Senate then took up the Bill, entitled a Bill, to repeal an Act passed in the year 1825, concerning Fire Companies in the Town of Fayetteville.

Which was read the second and third times, passed, and was ordered to be Engrossed.

On motion of Mr. Biggs, the Senate adjourned until to-morrow morning ten o'clock.

WEDNESDAY, JAN. 8, 1845.

The Senate met according to adjournment.

Mr. Dockery, from the Committee to whom was referred a Resolution, relative to the amount of service rendered by the Clerk appointed by the Treasurer to the Board of Internal Improvement, made a Report on the subject.

Which was read.

Received from the House of Commons a message, insisting upon their refusal to concur in the amendments of the Senate, to the Engrossed Bill, entitled a Bill, providing for the appointment of Engrossing Clerks, and proposing that two on the part of each House be appointed a Committee of Conference on said Bill.

Which was read and agreed to.

Whereupon, the Speaker announced to the Senate that Messrs. Francis and Biggs form the Committee on the part of the Senate, on said conference; and the House of Commons was informed thereof by message.

Mr. Jefferson presented a Bill, entitled a Bill, to amend an Act to incorporate the Town of Shelby.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

Mr. Dockery presented the following Preamble and Resolution:

WHEREAS, it is made the duty of the Public Treasurer, by law, to keep the account of the Board of Internal Improvements, and for this

special purpose he is authorized to employ a Clerk, whose pay shall not exceed three dollars per day, for the time he may be so engaged : And whereas, the Public Treasurer has charged in his account against the said Board of Internal Improvements, the sum of three hundred dollars, for the hire of a Clerk to keep the accounts of the said Board for the last year, when in the opinion of this General Assembly, the employment of a Clerk for — days was more than sufficient for that purpose. Therefore,

Resolved, by the General Assembly of the State of North Carolina, That Charles L. Hinton, Public Treasurer elect, be, and he is hereby directed to call upon Jno. H. Wheeler, Public Treasurer, to refund the sum of two hundred and twenty dollars, improperly charged by him as Clerk hire, for keeping the accounts of the Board of Internal Improvements ; and upon refusal to pay the same, it is hereby made the duty of the Attorney General to bring suit against him for the said sum.

Which was read the first time and passed.

Mr. Joyner, (of H.) presented the following Resolution :

Resolved, That the Governor be, and he is hereby authorized and requested to employ additional Counsel, in all cases wherein the State is a party, whenever, in his opinion, the public interest shall require the same ; and the compensation of the Attorney General, and such additional Counsel as the Governor may employ, shall hereafter be determined by the General Assembly.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

Mr. Woodfin presented a Bill, entitled a Bill, to provide for the making a survey from Raleigh and Fayetteville, West, to the Georgia line.

Which was read the first time and passed.

On motion of Mr. Jeffreys, the Engrossed Bill, entitled a Bill to revive and continue in force an Act passed in the year 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County, was taken up, read the second and third times, amended on motion of Mr. Jefferson, passed, and ordered to be sent to the House of Commons for their concurrence.

On motion of Mr. Jeffreys, the Engrossed Bill, entitled a Bill, to amend the 58th Section of the Revised Statutes, entitled Courts

—County and Superior, was taken up, read the second and third times, amended on motion of Mr. Halsey, passed, and ordered to be Enrolled.

On motion of Mr. Bogle, the Bill, entitled a Bill, to lay off and establish a County by the name of Gaston, was taken up, read the second time, and rejected by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Bogle,
Dockery,
Elliott,
Francis,
Hellen,
Hill,
Jefferson,
Joyner, (of H.)
Joiner, (of P.)

Messrs. Lindsay,
McMillan,
Pharr,
Shepard,
Smith,
Stowe,
Thompson, (of B.)
Woodfin,
Worth.—19.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Boyden,
Cameron,
Cowper,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,

Messrs. Halsey,
Hargrave,
Hester,
Holmes,
Jeffreys,
Melvin,
Speight,
Stallings,
Tayloe,
Thompson, (of W.)
Tomlinson,
Walker.—24.

On motion of Mr. Dockery, the Engrossed Resolution concerning the Public Treasurer was taken up, and read the second time.

Mr. Biggs moved to amend the same, as follows:

Resolved, That the Attorney General be instructed to investigate the matter, and take such steps as he may think best for the recovery of the same.

Which was read and adopted, by the following vote,
Mr. Dockery calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,	Messrs. Hill,
Boyd,	Holmes,
Cameron,	Jeffreys,
Drake,	Melvin,
Eaton,	Shepard,
Ennett,	Speight,
Etheridge,	Stallings,
Exum,	Stowe,
Gavin,	Thompson, (of W.)
Gwynn,	Tomlinson,
Hester,	Walker.—22.

Those who voted in the negative, were

Messrs. Albright,	Messrs. Joyner, (of H.)
Bogle,	Joiner, (of P.)
Boyden,	Lindsay,
Cowper,	McMillan,
Dockery,	Pharr,
Elliott,	Smith,
Francis,	Tayloe,
Halsey,	Thompson, (of B.)
Hargrave,	Woodfin,
Hellen,	Worth.—21.
Jefferson,	

The Resolution was then read the third time.

Mr. Thompson, (of B.) moved to amend the Resolution, by striking out all after the Preamble, and inserting the following :

Resolved, That Charles L. Hinton, the Treasurer elect, submit the original papers and books on file in the Comptroller's Office, and a copy of the depositions in this case, taken by the Committee of Finance, to the Attorney General ; and that he take the proper steps to recover the amount improperly paid out of the Public Treasury.

Which was read and adopted.

The Resolution then passed as amended, and was ordered to be sent to the House of Commons for their concurrence.

The Bill, entitled a Bill, to alter times of holding Courts, was taken up, read the second and third times, amended on motion of Mr. Bogle, passed, and ordered to be Engrossed.

On motion of Mr. Cameron, the Bill, entitled a Bill, to provide for making a survey from Raleigh and Fayetteville, West to the Georgia line, was taken up, read the second time, amended and passed by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,	Messrs. Joyner, (of H.)
Boyden,	Joiner, (of P.)
Cameron,	Lindsay,
Cowper,	McMillan,
Dockery,	Pharr,
Elliott,	Smith,
Ennett,	Tayloe,
Francis,	Thompson, (of B.)
Halsey,	Waddell,
Hargrave,	Woodfin,
Hellen,	Worth.—23.
Jefferson,	

Those who voted in the negative, were

Messrs. Biggs,	Messrs. Jeffreys,
Boyd,	Melvin,
Drake,	Reich,
Eaton,	Speight,
Exum,	Stallings,
Gavin,	Stowe,
Gwynn,	Thompson, (of W.)
Hester,	Tomlinson,
Hill,	Walker.—19.
Holmes,	

The Bill was then read the third time, passed, and ordered to be Engrossed!

Mr. Francis, from the Committee of Conference, to whom was referred the amendments to the Engrossed Bill, entitled a Bill, providing for the appointment of Engrossing Clerks, reported that they recede from the amendment marked B, which is as follows :

“ Provided, That one of the said Clerks shall receive more than three dollars per day, as compensation for his services.”

But agree to the amendment marked A, to-wit :

“ Strike out Principal Clerks, and insert, Speakers of both Houses.”

Which was read and concurred in.

On motion of Mr. Hellen, the Engrossed Bill, entitled a Bill, to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots, was taken up, read the second time, and on motion of Mr. Holmes, was laid on the table by the following vote :

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Bogle,
Boyd,
Cameron,
Cowper,
Dockery,
Elliott,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Reich,
Shepard,
Smith,
Speight,
Stallings,
Stowe,
Thompson, (of B.)
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—29.

Those who voted in the negative, were

Messrs. Boyden,
Drake,
Halsey,
Hellen,
Jefferson,

Messrs. Joyner, (of H.)
Joiner, (of P.)
McMillan,
Pharr,
Worth.—10.

The Resolution relative to His Excellency, John M. Morehead, was taken up, and on motion of Mr. Wilson, was laid on the table.

Mr. Hellen presented a Bill, entitled a Bill, supplemental to an Act passed by the present General Assembly, entitled an Act to attach that part of Carteret County, known as Ocracocke, to Hyde County.

Which was read the first and second times and passed.

The Bill, entitled a Bill, to provide for the education and maintenance of the poor and destitute Dumb Mutes and Blind persons in this State, was taken up, and read the second time.

Mr. Holmes moved that the Bill be laid on the table.

Which motion was rejected by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Albright,
Biggs,
Boyd,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Hester,

Messrs. Holmes,
Jeffreys,
Joiner, (of P.)
Melvin,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Walker.—20.

Those who voted in the negative, were

Messrs. Bogle,
Boyden,
Cameron,
Cowper,
Dockery,
Elliott,
Gwynn,
Halsey,
Hellen,
Jefferson,

Messrs. Joyner, (of H.)
McMillan,
Pharr,
Shepard,
Smith,
Tayloe,
Thompson, (of B.)
Waddell,
Woodfin.—20.

The Speaker voted in the negative.

The question was then on the passage of the Bill.
Pending the question,
The Senate, on motion of Mr. Speight, adjourned until three o'clock, P. M.

—
THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate:

A Bill to amend the seventh Section of the Revised Statutes, entitled "Guardian and Ward."

A Resolution in favor of Justin Martindale;

A Resolution in favor of Reeder & Lougee;

A Bill to repeal the eighth Section of the Revised Statutes, entitled an Act concerning Inspectors of Flour;

A Resolution directing the collection of Bonds due the President and Directors of the Literary Fund;

✓ Said Bills and Resolutions were severally read the first time and passed.

On motion of Mr. Shepard,

Ordered, That a Message be sent to the House of Commons, proposing that the two Houses adjourn *sine die* to-morrow morning at 7 o'clock.

The Senate took up the unfinished business of the morning, to-wit: a Bill, entitled a Bill, to provide for the education and maintenance of the poor and destitute Deaf Mutes and Blind persons in this State.

The question was on the passage of the Bill.

Which was decided in the affirmative, by the following vote,

Mr. Jefferson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Bogle,
 Boyden,
 Cameron,
 Dockery,
 Elliott,
 Ennett,
 Etheridge,
 Francis,
 Gwynn,
 Jefferson,
 Joyner, (of H.)

Messrs. Lindsay,
 McMillan,
 Pharr,
 Reich,
 Shepard,
 Smith,
 Tayloe,
 Waddell,
 Woodfin,
 Worth.—21.

Those who voted in the negative, were

Messrs. Biggs,
 Boyd,
 Cowper,
 Drake,
 Eaton,
 Exum,
 Gavin,
 Hellen,

Messrs. Jeffreys,
 Melvin,
 Speight,
 Stallings,
 Stowe,
 Thompson, (of W.)
 Tomlinson.—15.

The Bill was then read the third time, amended on motion of Mr. Hellen, passed, and was ordered to be Engrossed.

Received from the House of Commons a message, stating that they recede from their disagreement to the amendments of the Senate, marked A, to the Engrossed Bill, supplemental to an Act passed at the General Assembly of 1842-43, entitled an Act to lay off and establish a County by the name of McDowell.

They also recede from their amendment of the Senate, to the Bill, entitled a Bill, to prevent the levying of executions upon Growing Crops, until said Crops are matured.

They concur in the amendment of the Senate, to the Bill, entitled a Bill to change the place of holding the County Courts of McDowell County.

They also concur in the Senate's amendments to the Resolution relating to the interchange of documents.

They also concur in the amendment of the Senate, to the Bill to revive and continue in force an Act passed in the year 1841,

entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County.

Received from the House of Commons a message, informing the Senate that they have passed the Engrossed Resolution relative to the re-building of the Branch Mint at Charlotte, with an amendment marked A.

Which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to alter the time of holding the Superior Courts of Law and Equity for the Counties of Rockingham and Guilford; and have made the amendments to the same, marked A and B.

Which were read and agreed to.

The Bill, entitled a Bill, to provide for connecting Cherokee County with the other portions of North Carolina, by means of a Road which can be travelled over with safety to the lives of its citizens, was taken up, read the second time and rejected.

The Senate took up the Engrossed Bill, entitled a Bill, to authorize the making a Turnpike Road in Wilkes County, and to incorporate a Company for that purpose.

Which was read the second and third times, passed, and was ordered to be Enrolled.

The Bill concerning Sheriffs and Constables was taken up, read the second and third times, passed, and ordered to be Enrolled.

Mr. Francis presented a Preamble and Resolution, to ascertain the voice of the people of Western North Carolina, on the subject of a cession of territory for a new State.

Which was read the first time and passed.

The Resolution in favor of the Comptroller was taken up, read the second time, and amended on motion of Mr. Jeffreys.

Mr. Boyden then moved that the Resolution be postponed indefinitely.

Which motion was decided in the negative, by the following vote :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Boyden,
Drake,

Messrs. Joyner, (of H.)
Melvin,
Reich,
Smith,

Eaton,
Ennett,
Exum,
Gavin,
Gwynn,
Hester,
Jefferson,

Speight,
Stallings,
Stowe,
Thompson, (of W.)
Walker,
Wilson.—21.

Those who voted in the negative, were

Messrs. Bogle,
Cameron,
Cowper,
Elliott,
Etheridge,
Francis,
Halsey,
Hellen,
Hill,
Holmes,

Messrs. Jeffreys,
Lindsay,
Pharr,
Shepard,
Tayloe,
Thompson, (of B.)
Tomlinson,
Waddell,
Woodfin,
Worth.—20.

The Speaker voted in the negative.

The question was then taken on the passage of the Resolution.
Which was decided in the negative.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution in favor of the Commissioners of the Town of Wilmington and others, in which they ask the concurrence of the Senate.

Which was read the first time and passed.

The Engrossed Bill, entitled a Bill, for a Canal from Cape Fear to Lumber river, was taken up, and read the second time.

Mr. Dockery moved to strike out the section next to the last section—"binding the private property of the Stockholders,"

Which motion was rejected by the following vote,

Mr. Melvin calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,
Dockery,
Elliott,

Messrs. Joiner, (of P.)
Lindsay,
McMillan,
Pharr,

Francis,
Halsey,
Hellen,
Jefferson,
Joyner, (of H.)

Shepard,
Smith,
Waddell,
Woodfin,
Worth.—18.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,

Messrs. Hill,
Holmes,
Jeffreys,
Melvin,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—22.

The Bill then passed the second time.

Whereupon, it was read the third time and passed, and was ordered to be Enrolled.

Mr. Joyner, (of H.) presented the following Resolution :

Resolved, That the Engrossing Clerks be, and they are hereby authorized to employ, one or more assistants, as may be found necessary, to aid in Engrossing and Enrolling Bills, passed by the present General Assembly ; and that the said Assistant or Assistants, be allowed the same compensation per day, as is allowed the Engrossing Clerks.

Which was read and adopted.

Received from the House of Commons a message, concurring in the amendments of the Senate to the Bill, entitled a Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Received from the House of Commons a message, informing the Senate, that they have passed the Engrossed Resolution in favor of Thomas M. Cash, in which they ask the concurrence of the Senate.

Which was read the first, second, and third times, passed, and was ordered to be Enrolled.

The Senate then took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Joyner, (of H.) presented a Resolution, authorizing the Governor to foreclose the Mortgages executed by the Club Foot and Harlow's Creek Canal Company.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

Mr. Biggs presented to the Senate the following Protest :

The undersigned most solemnly protest against the decision of the Speaker of this body, on the 4th instant, in refusing to place upon the Journals a Protest, signed by twenty-four Senators, namely : Whitmel Stallings, Weldon N. Edwards, Louis D. Wilson, Robert Melvin, William A. Jeffreys, George C. Eaton, Robert H. Hester, Caleb Etheridge, John Reich, Owen Holmes, Larkin Stowe, George W. Thompson, E. C. Gavin, Thomas N. Cameron, James K. Hill, John Walker, Geo. D. Boyd, L. A. Gwynn, John Exum, James Tomlinson, Asa Biggs, E. G. Speight, Jno. H. Drake, Jr. and Thomas J. Pasteur, in which Protest, the said Senators express their dissent, (and give their reasons therefor,) to the Resolutions passed by the Senate, expelling from his seat William Ennett, the Senator from Onslow, because any and every Senator has the Constitutional right "to dissent from, and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the Journals"; because, by refusing to enter the Protest on the Journals, a palpable violation of the Constitutional rights of Senators has been committed—the power and privilege of the people, in the persons of their Representatives, denied, and a deadly stab thereby given to Constitutional government and the liberties of the people.

The undersigned further protest in this, that the Speaker, after refusing to enter the said Protest on the Journals, and after the adjourn-

ment of the Senate on that day, has thought proper to direct the Clerk to enter upon the Journals, (where they now are,) the reasons that influenced him in excluding it; which opinions are, "that it (the Protest,) contained disrespectful matter, impugning the character of himself, (the Speaker,) and a large number of the members of the Senate." We protest against these reasons, for we declare the Protest was not disrespectful. In the opinion of the protestants, gross injustice had been done the Senator from Onslow, and by the conduct of the Speaker, a dangerous blow had been given to the inestimable privilege of freedom of debate; and the Protest, so alleging as to facts, contained the truth, and nothing but the truth.

We further protest in this, that the Speaker has done great injustice to the protestants, in charging them with disrespect to the Speaker and a large number of the members of the Senate, while he refuses to accompany his reasons with the Protest, whereby the people now, and posterity hereafter, through the Journals of the Senate, have no opportunity of revising his opinion.

The undersigned, therefore, most solemnly protest against the said acts and proceedings of the Speaker, as a most dangerous precedent; for the first time in the history of this State, as we believe, has a clear Constitutional right been denied to any member of the General Assembly; and if this precedent is followed, the rights of a minority, guaranteed by the Constitution, will be hereafter, as on this occasion they have been, utterly disregarded; and that minority will be prevented from speaking, unless in language that will not arraign the opinions and conduct of a majority, and such as will suit the most fastidious taste of the presiding Officer of the Senate, particularly if the acts of that Officer is called in question.

January 8, 1845.

E. C. GAVIN,
ASA BIGGS,
GEO. C. EATON,
WM. A. JEFFEYS,
THOS. N. CAMERON,
JAMES TOMLINSON,
JNO. H. DRAKE, JUN.,
OWEN HOLMES,
C. ETHERIDGE,
LARKIN STOWE,
GEO. W. THOMPSON,

L. A. GWYNN,
GEO. D. BOYD,
LOUIS D. WILSON,
ROBERT H. HESTER,
JAMES K. HILL,
E. G. SPEIGHT,
JOHN EXUM,
ROBERT MELVIN,
WHITMEL STALLINGS,
JOHN REICH,
JOHN WALKER.

The Engrossed Bill, entitled a Bill, to amend the Revised Statutes, entitled Religious Societies, was taken up, read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to lay off a Public Road in Cherokee County, and to make an appropriation for the same, was taken up, read the second time and rejected.

The Senate took up the Engrossed Bill, entitled a Bill, to make Real Estate Assets.

Which was read the second time, and on motion of Mr. Boyden, laid on the table until the 4th March next.

The Bill, entitled a Bill, for the establishment of a Lunatic Asylum, was taken up, read the second time, and on motion of Mr. Biggs, laid on the table.

The Bill, entitled a Bill, to locate the residence of the Judges hereafter to be elected, was then taken up, read the second time, and passed by the following vote :

Those who voted in the affirmative, were

Messrs. Biggs,

Cameron,

Cowper,

Drake,

Eaton,

Ennett,

Etheridge,

Exum,

Francis,

Gavin,

Hill,

Holmes,

Jeffreys,

Messrs. Joiner, (of P.)

Melvin,

Reich,

Speight,

Stallings,

Stowe,

Tayloe,

Thompson, (of B.)

Thompson, (of W.)

Tomlinson,

Walker,

Wilson,

Woodfin.—26.

Those who voted in the negative, were

Messrs. Bogle,

Boyden,

Boyd,

Dockery,

Elliott,

Gwynn,

Hellen,

Messrs. Hester,

Jefferson,

Lindsay,

McMillan,

Pharr,

Smith,

Worth.—14.

The Bill was then read the third time, passed, and was ordered to be Engrossed.

The Engrossed Resolutions in relation to the fourth instalment were taken up, and read the second time,

And on motion of Mr. Biggs, was postponed until the 5th of March next, by the following vote,

Mr. Joiner, (of P.) calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Drake,
Eaton,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,
Hill,

Messrs. Holmes,
Jeffreys,
Melvin,
Reich,
Speight,
Stallings,
Stowe,
Thompson, (of W.)
Tomlinson,
Walker,
Wilson.—23.

Those who voted in the negative, were

Messrs. Bogle,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Hellen,
Jefferson,
Joiner, (of P.)

Messrs. Lindsay,
McMillan,
Pharr,
Smith,
Tayloe,
Thompson, (of B.)
Woodfin,
Worth.—17.

The Senate took up the Bill, entitled a Bill, fixing the time at which the Superior Courts of Law and Equity, and the non-Jury Courts of Pleas and Quarter Sessions shall be held in the Seventh Judicial Circuit.

Which was, on motion of Mr. Francis, laid on the table.

The Resolution to compel the Treasurer to refund Two Hundred and Twenty-two Dollars, improperly drawn from the Treasury, was taken up, read the second time, and on motion of Mr. Speight, was postponed until the 4th of March next, by the following vote :

Those who voted in the affirmative, were

Messrs. Biggs,	Messrs. Holmes,
Boyd,	Jeffreys,
Cameron,	Melvin,
Drake,	Reich,
Eaton,	Speight,
Ennett,	Stallings,
Etheridge,	Stowe,
Exum,	Thompson, (of W.)
Gavin,	Tomlinson,
Gwynn,	Walker,
Hester,	Wilson,
Hill,	Worth.—24.

Those who voted in the negative, were

Messrs. Bogle,	Messrs. Lindsay,
Cowper,	McMillan,
Dockery,	Pharr,
Elliott,	Smith,
Francis,	Tayloe,
Hellen,	Thompson, (of B.)
Jefferson,	Woodfin.—15.
Joiner, (of P.)	

Received from the House of Commons a message, stating that they have passed the following Engrossed Resolutions, in which they ask the concurrence of the Senate:

A Resolution in favor of Adrian H. Van Bocklin;

A Resolution concerning the Doorkeepers;

Which were read the first second and third times, passed, and were ordered to be Enrolled.

The Senate then took up the Engrossed Resolution in favor of Justin Martindale;

The Resolution in favor of Reeder and Lougee;

And the Resolution in favor of the Commissioners of the Town of Wilmington;

Which were severally read the second and third times, passed, and were ordered to be Enrolled.

The Bill, entitled a Bill, to incorporate the North Carolina Mining, Manufacturing, and Land Association, was taken up, read

the second and third times, amended, passed, and ordered to be Engrossed.

✓ The Engrossed Resolution, directing the collection of Bonds due the President and Directors of the Literary Fund, was taken up, read the second time, and on motion of Mr. Francis, laid on the table.

The Senate then took up the Engrossed Bill, entitled a Bill, concerning Inspectors of Flour ;

The Bill, entitled a Bill, to repeal the 8th Section of the Revised Statutes, entitled an Act concerning Crimes and Punishments.

Which were read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, to amend the seventh Section of the Revised Statutes, entitled Guardian and Ward, was taken up, read the second and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution from the Senate, entitled a Resolution authorizing R. W. Ashton to enclose a State lot in the City of Raleigh, with the amendment marked A.

Which was read and concurred in.

They also concur in the Report of the Committee of Conference, to the Bill providing for the appointment of Engrossing Clerks.

Received from the House of Commons a message, informing the Senate that they have postponed till the 6th March next, the consideration of the Senate Bill, entitled a Bill, to locate the residence of the Judges hereafter to be elected.

Received from the House of Commons a message, stating that they have postponed the Bill from the Senate, entitled a Bill, to alter the times of holding the Superior Courts in the Sixth Judicial Circuit, &c.

The Resolution to ascertain the voice of the people of Western North Carolina, on the subject of a cession of territory for a new State, was taken up, read the second time, and on motion of Mr. Exum, laid on the table until the 10th of March next.

Mr. Biggs presented a Resolution in favor of the Students of the Raleigh Academy.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

Received from the House of Commons the resignations of William Deyton and Thomas Howell, Justices of the Peace for the County of Yancy.

Which were read and accepted.

On motion of Mr. Boyden, the Bill, entitled a Bill, for the establishment of a Lunatic Asylum, was taken up, read the second time, and on motion of Mr. Speight, postponed until the 4th of March next, by the following vote,

Mr. Tomlinson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cameron,
Cowper,
Drake,
Ennett,
Etheridge,
Exum,
Gavin,
Gwynn,
Hester,

Messrs. Holmes,
Jeffreys,
Melvin,
Reich,
Speight,
Stallings,
Stowe,
Thompson (of W.)
Tomlinson,
Walker,
Wilson.—22.

Those who voted in the negative, were

Messrs. Bogle,
Boyden,
Dockery,
Elliott,
Halsey,
Hellen,

Messrs. Lindsay,
McMillan,
Pharr,
Smith,
Woodfin.—11.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to amend an Act passed in 1843, entitled an Act, to incorporate the Nantahala Turnpike Company;

And the Engrossed Resolution in favor of Samuel J. Finch, in which they ask the concurrence of the Senate.

Said Bill and Resolution were each read the first, second and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, informing the Senate that they adhere to their disagreement to the amendment of the Senate to the Resolution, entitled a Resolution, concerning the Public Treasurer.

Which was read ; and the Senate adheres to their amendment to said Resolution ; and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they do not agree to the proposition of the Senate, to adjourn to-morrow morning at 7 o'clock.

Mr. Francis presented to the Senate, the Protest of the undersigned, to the Senator from Onslow being permitted to take his seat.

DISSENTIENT.

Because the said William Ennett was, by a vote of the Senate on the 21st of December last, declared guilty of having either forged a certificate of election, or procured it to be done, or of having practised a fraud upon the Senate, by presenting as genuine such forged certificate, he being at the time aware that the same was not genuine. And was by another vote of the Senate, on the same day, expelled therefrom for his said misconduct ; and because, in our judgment, no man so convicted and expelled for an infamous offence, ought to be allowed to hold a seat in the Senate.

M. FRANCIS,
I. HELLEN,
A. B. McMILLAN,
WALTER F. PHARR,
ALFRED DOCKERY,
JOSEPH HALSEY.

On motion of Mr. Exum, the Senate adjourned until to-morrow morning ten o'clock.

THURSDAY, JAN. 9, 1845.

The Senate met pursuant to adjournment.

Mr. Joyner, (of H.) from the Select Committee, to whom was referred a memorial from sundry citizens of the County of Halifax, reported the same to the Senate, and asked to be discharged from the subject.

They were discharged accordingly.

Received from the House of Commons a message, proposing that both Houses adjourn to-morrow morning at six o'clock.

Which was read and concurred in.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution, entitled a Resolution, concerning the printing of the Inaugural Addresses of the Governors of the State, in which they ask the concurrence of the Senate.

Said Resolution was read the first, second, and third times, passed, and was ordered to be Enrolled.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill, entitled a Bill, to prevent frauds in levying executions issued by a single Justice, &c. and have amended the same, by striking out all except the first section, and amending said first section. Said amendments are marked A.

Which were read and agreed to.

On motion of Mr. Jeffreys, the Bill, entitled a Bill, for the more speedy administration of Justice, was taken up, read the second time, amended and passed.

The Bill was then read the third time, and passed by the following vote,

Mr. Jefferson calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Boyden,
Cowper,
Dockery,
Drake,
Eaton,
Elliott,
Ennett,
Exum,

Messrs. Hill,
Jeffreys,
Joyner, (of H.)
Melvin,
Pharr,
Reich,
Smith,
Stallings,
Stowe,
Tayloe,

Francis,
Gavin,
Gwynn,
Hellen,
Hester,

Thompson, (of W.)
Walker,
Wilson,
Woodfin.—29.

Those who voted in the negative, were

Messrs. Bogle,
Jefferson,

Mr. Speight.—3.

Ordered, that said Bill be Engrossed.

Received from the House of Commons a message, informing the Senate, that they have passed the following Engrossed Bills, in which they ask the concurrence of the Senate:

A Bill, entitled a Bill, to appoint Commissioners for the Town of Rockford, in the County of Surry;

A Bill, to repeal an Act, entitled an Act, to repeal the third section of an Act, passed in the year 1825, chapter twelve hundred and seventy-two, entitled an Act to direct the manner in which Licenses shall hereafter be issued to retailers of Spirituous Liquors so far as regards the Counties of Richmond and New Hanover.

Said Bills were severally read the first, second and third times, passed, and were ordered to be Enrolled.

The Engrossed Bill, entitled a Bill, in addition to the Revised Statutes, entitled Wills and Testaments—to amend the same, and to repeal part of the 15th Section of the Revised Statutes, entitled Lands of Deceased Debtors, was taken up, and read the second time.

Mr. Wilson moved that the Bill be indefinitely postponed.
Which motion was decided in the negative.

Those who voted in the affirmative, were

Messrs. Biggs,
Cameron,
Eaton,
Ennett,
Exum,
Gavin,
Gwynn,
Hellen,
Hester,

Messrs. Hill,
Melvin,
Reich,
Speight,
Stowe,
Tayloe,
Thompson, (of W.)
Tomlinson,
Wilson.—18.

Those who voted in the negative, were

Messrs. Bogle,
Boyd,
Boyden,
Cowper
Dockery,
Drake,
Elliott,
Francis,
Jeffreys,

Messrs. Joyner, (of H.)
Lindsay,
McMillan,
Pharr,
Smith,
Stallings,
Walker,
Woodfin.—17.

The Speaker voted in the negative.

The Bill then passed by the following vote,

Mr. Gwynn calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyd,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Jeffreys,
Joyner, (of H.)
Lindsay,

Messrs. Melvin,
McMillan,
Pharr,
Smith,
Stallings,
Tayloe,
Thompson, (of W.)
Walker,
Woodfin.—19.

Those who voted in the negative, were

Messrs. Biggs,
Cameron,
Drake,
Eaton,
Ennett,
Exum,
Gavin,
Gwynn,

Messrs. Hellen,
Hester,
Hill,
Reich,
Speight,
Stowe,
Tomlinson,
Wilson.—16.

The Bill was then read the third time, and amended on motion of Mr. Woodfin, by striking out the second section thereof.

It then passed by the following vote,
Mr. Thompson, (of W.) calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyd,
Boyden,
Cowper,
Dockery,
Elliott,
Francis,
Jefferson,
Jeffreys,
Joyner, (of H.)

Messrs. Lindsay,
McMillan,
Pharr,
Smith,
Stallings,
Tayloe,
Waddell,
Walker,
Woodfin.—19.

Those who voted in the negative, were

Messrs. Biggs,
Cameron,
Drake,
Eaton,
Ennett,
Exum,
Gavin,
Gwynn,
Hellen,

Messrs. Hester,
Hill,
Melvin,
Speight,
Stowe,
Thompson, (of W.)
Tomlinson,
Wilson.—17.

The Bill was then sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Woodfin, the Bill, entitled a Bill, to alter and amend the public Road leading from Asheville, in Buncombe County, by way of Burnsville, in Yancy County, to the State line, was taken up, read the second time, and rejected by the following vote,

Mr. Melvin calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Bogle,
Boyden,

Messrs. McMillan,
Pharr,

Elliott,
Francis,
Jefferson,
Joyner, (of H.)
Lindsay,

Stowe,
Waddell,
Walker,
Woodfin.—13.

Those who voted in the negative, were

Messrs. Biggs,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Ennett,
Exum,
Gavin,

Messrs. Hellen,
Hill,
Jeffreys,
Melvin,
Reich,
Speight,
Stallings,
Thompson, (of W.)
Tomlinson.—18.

On motion of Mr. Hellen, the vote by which was rejected the Bill, entitled a Bill, to alter and amend the public road leading from Asheville, in Buncombe County, by way of Barnsville, in Yancy County, to the State line, was reconsidered, and on motion of Mr. Biggs, laid on the table.

Received from the House of Commons a message, stating that they have passed the following Engrossed Bills and Resolutions, in which they ask the concurrence of the Senate :

A Bill relative to Notaries ;

A Resolution relating to the Cherokee Indians residing in North Carolina ;

A Bill to amend the 59th Chapter of the Revised Statutes, and 49th Section of said Act ;

A Bill to repeal an Act passed in the year 1842, entitled an Act to repeal an Act passed in the year 1835, entitled an Act to abolish the office of County Trustee in the County of Moore, and for other purposes ;

A Bill in relation to the State Library ;

Said Bills and Resolution were severally read the first, second and third times.

The second named Bill was, on motion of Mr. Exum, amended and passed ; and they were ordered to be Enrolled.

Mr. Francis presented the following Resolution :

Resolved, That the Public Treasurer pay for the printing of the Report on Cherokee Land Bonds, &c., as the other printing is paid for under the order of the General Assembly.

Which was read and adopted.

On motion of Mr. Elliott, the Senate took a recess until three o'clock, P. M.

THREE O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution, entitled a Resolution relating to Estimates of allowance, in which they ask the concurrence of the Senate.

Which was read the first, second, and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, stating that they agree to the amendment of the Senate, to the Bill, entitled a Bill, to amend the 59th Chapter of the Revised Statutes, and 49th Section of said Act; and further stating that they have amended the same, by adding "Craven," after the word "Wayne," inserted by the Senate, in which they ask the concurrence of the Senate.

Which was read and concurred in.

Received from the House of Commons a message, concurring in the amendments of the Senate, to the Bill, entitled a Bill, in addition to the Revised Statutes, entitled Wills and Testaments—to amend the same, and to repeal part of the 15th Section of the Revised Statutes, entitled Lands of Deceased Debtors.

Received from the House of Commons a message, stating that they have indefinitely postponed the Senate Bill, entitled a Bill, to abolish the Board of Internal Improvement, and for other purposes.

Mr. Woodfin presented a Bill, entitled a Bill, to encourage the culture and manufacture of Silk and Sugar, among the Cherokee Indians in this State.

Which was read the first time and passed.

Received from the House of Commons a message, informing the Senate, that they have passed the Engrossed Bill from the Senate, providing for the removal of the obstructions to the navigation of Roanoke river, occasioned by the erection of the Petersburg Rail Road Bridge across the same; and have amended the same by amendments marked 1, 2, 3, and by striking out the 4th section.

Which were read and concurred in, and the House of Commons was informed thereof by message.

On motion of Mr. Francis, the Senate took a recess until seven o'clock, P. M.

SEVEN O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Received from the House of Commons a message, stating that they have passed the Engrossed Bill from the Senate, entitled a Bill, to modify an Act concerning Slaves and free persons of color, passed in 1830; and have amended the whole of said Bill with the title, by striking out all, and inserting the amendment marked A.

Which was read and concurred in; and the House of Commons was informed thereof by message.

The Bill, entitled a Bill, to encourage the manufacture of Silk and Sugar among the Cherokee Indians in this State, was taken up, and read the second time.

Mr. Francis moved that the Bill be laid on the table.

Which motion was rejected by the following vote,

Mr. Woodfin calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyd,
Cowper,
Drake,
Ennett,
Exum,
Francis,
Gavin,

Messrs. Gwynn,
Hill,
Melvin,
McMillan,
Reich,
Speight,
Stallings,
Stowe.—16.

Those who voted in the negative, were

Messrs. Bogle,
Boyden,
Cameron,
Eaton,
Elliott,
Hellen,
Hester,
Jefferson,

Messrs. Jeffreys,
Joyner, (of H.)
Lindsay,
Pharr,
Thompson (of W.)
Tomlinson,
Walker,
Woodfin.—16.

The Speaker voted in the negative.

The Bill then passed by the following vote,
Mr. Francis calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Bogle,
Boyden,
Cameron,
Eaton,
Elliott,
Ennett,
Gavin,
Hellen,
Hester,
Jefferson,

Messrs. Jeffreys,
Joyner, (of H.)
Lindsay,
Melvin,
McMillan,
Pharr,
Reich,
Tomlinson,
Walker,
Woodfin.—21.

Those who voted in the negative, were

Messrs. Boyd,	Messrs. Hill,
Drake,	Speight,
Exum,	Stallings,
Francis,	Stowe,
Gwynn,	Thompson, (of W.)—10.

The Bill was then read the third time, amended on motion of Mr. Francis, passed, and ordered to be Engrossed.

Received from the House of Commons a message, stating that they have passed the following Bills and Resolution, in which they ask the concurrence of the Senate:

A Bill to prevent obstructions to the passage of fish up Fishing Creek;

A Bill to prevent fraudulent voting;

A Bill, to amend an Act passed at the last Session of the General Assembly, entitled an Act, to amend an Act concerning Coroners, Revised Statutes, Chapter 25, Section 4;

Resolution relating to the History of the State;

The first named Bill was read the first and second times, and on motion of Mr. Wilson, laid on the table till the 4th of March next.

The second named Bill was then read the first, second and third times, and passed by the following vote,

Mr. Exum calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,	Gwynn,
Boyd,	Hellen,
Boyden,	Joyner, (of H.)
Cameron,	McMillan,
Cowper,	Pharr,
Drake,	Thompson, (of W.)
Eaton,	Tomlinson,
Elliott,	Wilson,
Ennett,	Woodfin.—18.

Those who voted in the negative, were

Messrs. Boglo,	Messrs. Jefferson,
Francis,	Jefreys,

Exum,
Gavin,
Hester,

Melvin,
Speight,
Stallings.—10.

Ordered that said Bill be Enrolled.

The other named Bill and Resolution were read the first, second and third times, the Resolution amended and passed, and ordered to be Enrolled.

Received from the House of Commons a message, informing the Senate that they have passed the following Engrossed Bill and Resolution, in which they ask the concurrence of the Senate:

A Bill, entitled a Bill, to establish and regulate a Turnpike Road in the County of Macon, to be called the Tennessee River Turnpike Road;

A Resolution directing the collection of Bonds due the Literary Board.

The Resolution was read the first and second times, and rejected by the following vote,

Mr. Hellen calling for the Yeas and Nays:

Those who voted in the affirmative, were

Messrs. Biggs,
Boyden,
Exum,
Gavin,
Gwynn,
Jefferson,

Messrs. Joyner, (of H.)
Pharr,
Speight,
Wilson,
Woodfin.—11.

Those who voted in the negative, were

Messrs. Bogle,
Boyd,
Cameron,
Cowper,
Drake,
Eaton,
Elliott,

Messrs. Ennett,
Francis,
Hellen,
Melvin,
Stallings,
Thompson, (of W.)
Tomlinson.—14.

The Bill was read the first and second times.

Mr. Jeffreys moved that the Bill be laid on the table.

Which motion did not prevail.

Mr. Francis calling for the Yeas and Nays :

Those who voted in the affirmative, were

Messrs. Biggs,
Cameron,
Drake,
Eaton,
Ennett,
Gavin,

Messrs. Gwynn,
Hester,
Jeffreys,
Melvin,
Speight,
Tomlinson.—12.

Those who voted in the negative, were

Messrs. Bogle,
Boyd,
Boyden,
Cowper,
Elliott,
Exum,
Francis,
Hellen,

Messrs. Joyner, (of H.)
Lindsay,
McMillan,
Pharr,
Stallings,
Stowe,
Thompson, (of W.)
Woodfin.—16.

The Bill then passed the second and third times, and was ordered to be Enrolled.

Received from the House of Commons a message, stating that they have passed the Engrossed Resolution, directing the Secretary of State to receive proposals for enclosing the Capitol, in which they ask the concurrence of the Senate.

Said Resolution was read the first, second and third times, passed, and ordered to be Enrolled.

On motion of Mr. Elliott, the Senate adjourned until to-morrow morning five o'clock.

FRIDAY, JANUARY 10, 1845.

The Senate met according to adjournment.

Received from the House of Commons a message, stating that they have passed the following Engrossed Resolution, entitled a Resolution providing for the purchase of a Bell.

Also, a Bill to protect the Capitol Square from injury.

In which they ask the concurrence of the Senate.

The Resolution was read the first time, and on motion of Mr. Hellen, laid on the table.

The Bill was read the first, second and third times, passed, and ordered to be Enrolled.

Received from the House of Commons a message, informing the Senate that they have passed the Engrossed Bill from the Senate, entitled a Bill, to encourage the culture and manufacture of Silk and Sugar among the Cherokee Indians in this State; and have amended the same, by striking out the Proviso in the same, and inserting the amendment marked A.

Which was read and concurred in.

Received from the House of Commons a message, stating that they concur in the amendment of the Senate, to the Resolution relating to the History of the State.

Mr. Woodfin, from the Committee to whom was referred the memorial of the Mecklenburg Monument Association, reported thereon.

Which was read, and laid on the table.

Received from the House of Commons a message, informing the Senate, that having passed upon all the business before them, they are now ready to adjourn without day.

Which was read.

Whereupon, the Speaker adjourned the Senate *sine die*.

B. S. GAITHER,

Speaker of the Senate.

By order,

THOS. G. STONE, C. J.

HOUSE JOURNAL,

1844-45.

HOUSE JOURNAL

1847-48

JOURNAL.

At a General Assembly of the State of North Carolina, begun and held in the City of Raleigh, on Monday, the eighteenth day of November, in the year of our Lord one thousand, eight hundred and forty-four, and in the sixty-ninth year of the Independence of the United States of America—being the day appointed by Law for the meeting of the General Assembly, the following Members of the House of Commons appeared, exhibited their credentials, and were qualified according to Law, viz:

Anson County—Jonathan Trull, James M. Waddill.
Ashe—Benjamin C. Calloway.
Beaufort—Edward Stanly, Frederick Grist.
Bertie—Wm. W. Cherry, Lewis Bond.
Bladen—Heman H. Robinson.
Brunswick—Henry H. Watters.
Buncombe—John A. Fagg, John Thrash.
Burke—Benjamin Burgin.
Cabarrus—Caleb Phifer, Thos. H. Robinson.
Caldwell—William Dickson.
Camden—Caleb Barco.
Carteret—David W. Whitehurst.
Caswell—Calvin Graves, James K. Lea.
Chatham—Daniel Hackney, John H. Haughton, John S. Guthrie.
Cherokee—George W. Hayes.
Chowan—Robert T. Paine.
Cleveland—James Y. Hamrick.

Columbus—Nathan L. Williamson.
 Craven—William H. Washington, Francis J. Prentiss.
 Cumberland—Duncan Shaw, Benj. F. Atkins.
 Currituck—John B. Jones.
 Davidson—Benton C. Doubt, Chas. L. Payne.
 Davie—G. A. Miller.
 Duplin—Isaac C. Kelly, James G. Dickson.
 Edgecomb—Joshua Barnes, Robert R. Bridgers.
 Franklin—Wm. K. Martin, James Collins.
 Gates—Reddick Gatling.
 Granville—Jonathan M. Stone, James T. Littlejohn.
 Greene—James G. Edwards.
 Guilford—Wm. Doak, Wm. McLean, Jno. A. Smith.
 Halifax—Bat. F. Moore, Sterling H. Gee.
 Haywood—Joseph Keener.
 Henderson—John Clayton.
 Hertford—Jacob Sharpe.
 Hyde—Wilson Credle.
 Iredell—Rufus Reid, Wm. Emerson, Wm. H. George.
 Johnston—Jesse Adams, Lmsford Richardson.
 Jones—William Foy.
 Lenoir—Jesse Jackson.
 Lincoln—Jas. H. White, Nath'l. Wilson, Francis D. Reinhardt, Richard Rankin.
 Macon—Thomas J. Roane.
 Martin—Wm. T. Woodward.
 Mecklenburg—Robert M. Lemmond, James A. Dunn, John Kirk.
 Montgomery—Calvin J. Cochran.
 Moore—Donald Street.
 Nash—Wm. D. Harrison.
 New Hanover—Jero. Nixon, David McIntyre.
 Northampton—John B. Odom, David A. Barnes.
 Onslow—Edward W. Sanders.
 Orange—John B. Leathers, Loftin K. Pratt, Giles Mebane, Chesley F. Faucett.
 Pasquotank—Jno. C. B. Ehringhaus.
 Perquimons—Thomas Wilson.
 Person—John W. Cunningham.
 Pitt—Henry F. Harris, Churchill Perkins.
 Randolph—Alfred Brower, Zebedee Rush.
 Richmond—Neill McNair.
 Robeson—Neill Regan, John McNeill.
 Rockingham—Peter Scales, Robt. P. Williamson.
 Rowan—John B. Lord, John W. Ellis.
 Rutherford—William E. Mills, Toliver Davis.
 Sampson—John R. Beamau, David Murphy.
 Stanly—Francis Locke.
 Stokes—John F. Poindexter, Reuben D. Golding, William A. Mitchell.
 Surry—Dickson Taliaferro, Richard C. Puryear, George W. Brown.
 Tyrrell—Silas Davenport.
 Wake—James M. Mangum, Gaston H. Wilder, James B. Shepard.
 Warren—John H. Hawkins, Anderson F. Brame.
 Washington—David C. Guyther.
 Wayne—Curtis H. Brogden, Elias Barnes.
 Wilkes—Jesse A. Gambill, Alexander Church.
 Yancey—Samuel Fleming.

A quorum, consisting of a majority of the whole number of Members being present,

Mr. Mills moved that Edward Stanly be appointed Speaker;

And on motion of Mr. J. B. Jones, the name of Calvin Graves was added to the nomination.

The House thereupon proceeded to vote, and upon calling the Roll, the following Members voted for Mr. Stanly, viz :

Messrs. Trull,
Waddill,
Calloway,
Grist,
Cherry,
Bond,
Watters,
Fagg,
Thrash,
Burgin,
Phifer,
T. H. Robinson,
W. Dickson,
Barco,
Whitehurst,
Hackney,
Haughton,
Guthrie,
Hayes,
C. L. Payne,
Washington,
Prentiss,
Douthit,
R. T. Paine,
Miller,
Littlejohn,
Doak,
McLean,
Smith,
Moore,
Gee,
Keener,
Clayton,
Sharp,

Messrs. Credle,
Reid,
Emerson,
George,
Adams,
Foy,
Roane,
Cochran,
Street,
Odom,
D. Barnes,
Leathers,
Pratt,
Mebane,
Faucett,
Ehringhaus,
Thos. Wilson,
Harris,
Perkins,
Brower,
Rush,
McNair,
Lord,
Mills,
T. Davis,
Locke,
Poindexter,
Golding,
Puryear,
Brown,
Davenport,
Guyther,
Gambill,
Church.— 68.

Those who voted for Mr. Graves, are

Messrs. H. Robinson,

Lea,
Hamrick,
N. L. Williamson,
Shaw,
Atkins
J. B. Jones,
Kelly,
J. G. Dickson,
J. Barnes,
Bridgers,
Martin,
Collins,
Gatling,
Stone,
Edwards,
Richardson,
Jackson,
White,
N. Wilson,
Reinhardt,
Rankin,
Woodward,
Lemmond,

Messrs. Dunn,

Kirk,
Harrison,
Nixon,
McIntyre,
Sanders,
Cunningham,
Regan,
McNeill,
Scales,
R. P. Williamson,
Ellis,
Beaman,
Murphy,
Mitchell,
Taliaferro,
Mangum,
Wilder,
Shepard,
Hawkins,
Brame,
Brogden,
E. Barnes,
Fleming.—48.

Mr. Edward Stanly having received a majority of the whole number of votes, was declared duly elected. When he was conducted to the Chair by Messrs. Mills and J. B. Jones, and made his acknowledgements to the House in an appropriate address.

Mr. Mills moved that the House proceed to the election of Principal Clerk.

Mr Cherry nominated for the appointment, Charles Manly, of Wake County.

And on motion of Mr. Scales, the name of L. H. Marsteller, of New Hanover, was added to the nomination.

The House thereupon proceeded to vote as follows :

FOR MR. MANLY.

Messrs. Speaker,
Trull,
Waddill,
Calloway,
Grist,
Cherry,
Bond,
Watters,
Fagg,
Thrash,
Burgin,
Phifer,
T. H. Robinson,
Wm. Dickson,
Barco,
Whitehurst,
Hackney,
Haughton,
Guthrie,
Hayes,
C. L. Payne,
Washington,
Prentiss,
Douthit,
R. T. Paine,
Miller,
Littlejohn,
Doak,
McLean,
Smith,
Moore,
Gee,
Keener,
Clayton,
Sharp,

Messrs. Credle,
Reid,
Emerson,
George,
Adams,
Foy,
Roane,
Cochran,
Street,
Odom,
D. Barnes,
Leathers,
Pratt,
Mebane,
Faucett,
Ehringhaus,
T. Wilson,
Harris,
Perkins,
Brower,
Rush,
McNair,
Lord,
Mills,
Davis,
Locke,
Poindexter,
Golding,
Puryear,
Brown,
Davenport,
Guyther,
Gambill,
Church.—69.

FOR MR. MARSTELLER.

Messrs. H. Robinson,
Graves,
Lea,
Hamrick,

Messrs. Dunn,
Kirk,
Harrison,
Nixon,

N. L. Williamson,
Shaw,
Atkins,
J. B. Jones,
Kelly,
J. G. Dickson,
J. Barnes,
Bridgers,
Martin,
Collins,
Gatling,
Stone,
Edwards,
Richardson,
Jackson,
White,
N. Wilson,
Reinhardt,
Rankin,
Woodward,
Lemmond,

McIntyre,
Sanders,
Cunningham,
Regan,
McNeill,
Scales,
R. P. Williamson,
Ellis,
Beaman,
Murphy,
Mitchell,
Taliaferro,
Mangum,
Wilder,
Shepard,
Hawkins,
Brame,
Brogden,
E. Barnes,
Fleming.—49.

Mr. Manly having received a majority of the whole number of votes, was declared duly elected, and entered upon the duties of the office.

Mr. Poindexter moved that James R. Dodge, of Surry, be appointed Assistant Clerk.

And on motion of Mr. Waddill, the name of Jno. D. Cameron, of Cumberland, was added to the nomination.

The House voted as follows :

FOR MR. DODGE.

Messrs. Speaker,
Trull,
Calloway,
Grist,
Cherry,
Bond,
Watters,
Fagg,

Messrs. Emerson,
George,
Adams,
Foy,
Jackson,
White,
Rankin,
Roane,

Thrash,
Burgin,
Phifer,
T. H. Robinson,
W. Dickson,
Barco,
Whitehurst,
Hackney,
Haughton,
Guthrie,
Hayes,
R. T. Paine,
Washington,
Douthit,
Prentiss,
C. L. Payne,
Miller,
Littlejohn,
Doak,
McLean,
Smith,
Moore,
Gee,
Keener,
Clayton,
Sharpe,
Credle,
Reid,

Cochran,
Odom,
Leathers,
Pratt,
Mebane,
Faucett,
Ebringhaus,
T. Wilson,
Harris,
Perkins,
Brower,
Rush,
McNair,
N. L. Williamson,
Lord,
Mills,
Davis,
Locke,
Poindexter,
Golding,
Taliaferro,
Purveyar,
Brown,
Davenport,
Guyther,
Gambill,
Church,—71.

FOR MR. CAMERON.

Messrs. Waddill,
Graves,
Lea,
Hamrick,
R. P. Williamson,
Shaw,
Atkins,
Jones,
J. Barnes,
Bridgers,
Martin,
Gatling,

Messrs. Kirk,
Street,
Nixon,
McIntyre,
D. Barnes,
Sanders,
Cunningham,
McNeill,
Scales,
Ellis,
Beaman,
Murphy,

Stone,
Edwards,
Richardson,
N. Wilson,
Reinhardt,
Woodward,
Lemmond,
Dunn,

Mitchell,
Mangum,
Wilder,
Shepard,
Hawkins,
Brame,
Brogden.—39.

FOR MR. P. BUSBEE.

Messrs. H. Robinson,
Kelly,
J. G. Dickson,
Collins,

Messrs. Harrison,
Regan,
E. Barnes.—7.

Mr. Dodge having received a majority of the whole number of votes, was declared duly elected.

And thereupon, the House adjourned until to-morrow morning 10 o'clock.

TUESDAY, Nov. 19, 1844.

On motion of Mr. Guthrie, the House proceeded to the appointment of a Principal Door-keeper.

On motion of Mr. R. T. Paine, Samuel J. Finch was nominated for the appointment.

And on motion of Mr. Graves, the name of James Page was added to the nomination.

The Roll was called, and the following Members voted for

MR. FINCH.

Messrs. Speaker,
Adams,
D. A. Barnes,
Barco,
Bond,
Brower,
Brown,
Burgin,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davis,
Davenport,
W. Dickson,
Douthit,
Doak,
Emerson,
Fagg,
Faucett,
Fleming,
Foy,
Gee,
George,
Golding,
Guthrie,
Grist,
Guyther,
Hackney,
Haughton,
Hayes,
H. F. Harris,
Keener,

Mesrrs- Leathers,
Littlejohn,
Lord,
Locke,
Mebane,
Miller,
Mills,
Moore,
McNair,
McLean,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Purycar,
Reid,
T. H. Robinson,
Roane,
Rush,
Sharpe,
Smith,
Thrash,
Trull,
Waddill,
Watters,
Washington,
Whitehurst,
T. Wilson,
Gambill,
Ehringhaus.—69.

The following voted for

MR. PAGE.

Messrs. Atkins,
J. Barnes,
Beaman,
Brame,
Brogden,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Martin,
Mangum,
Mitchell,
Murphy,
McNeill,
McIntyre,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Shepard,
Shaw,
Stone,
Street,
Taliaferro,
R. P. Williamson,
N. L. Williamson,
Wilder,
N. Wilson.—44.

Mr. Finch having received a majority of the whole number of votes, was declared duly elected.

Mr. Tod R. Caldwell, one of the Members representing the County of Burke, was qualified and took his seat.

Mr. T. Wilson moved that the House do now vote for an Assistant Door-keeper.

The motion prevailed, and the following persons were nominated for the place :

Wm. W. Jones, Thomas Anderson, C. A. Gillespie, Burrus Cheek, John C. Moore, Wm. R. Lovell, Jesse A. Hinshaw, and William Lumsden.

The House voted as follows :

FOR MR. ANDERSON.

Messrs. Atkins

E. Barnes,
J. Barnes,
Beaman,
Bridgers,
Brame,
Brogden,
Caldwell,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hannrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmond,

Lord,
Mangum,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shepard,
Shaw,
Taliafero,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Wilder.—45.

FOR MR. LOVELL.

Messrs. D. A. Barnes,

Brown,
Burgin,
Calloway,
Church,
W. Dickson,
Douthit,
Ehringhaus,
Emerson,
Gambill,
George,

Messrs. Golding,

Hayes,
Miller,
Mills,
McNair,
Phifer,
Poindexter,
Purveyar,
Roane,
Sharp.—21.

FOR MR. MOORE.

Messrs. Speaker,
Adams,
Bond,
Credle,
Davenport,
Fagg,
Foy,
Guthrie,
Grist,
Guyther,

Messrs. Harris,
Moore,
Odom,
R. T. Paine,
Perkins,
Prentiss,
Trull,
Washington,
Whitehurst.—19.

FOR MR. HINSHAW.

Messrs. Brower,
Cochran,
Davis,
Hackney,
Locke,
T. H. Robinson,

Messrs. Rush,
Street,
Thrash,
Waddill,
White.—11.

FOR MR. GILLESPIE.

Messrs. Clayton,
Doak,
Jackson,
McLean,
C. L. Payne,

Messrs. Reid,
Smith,
Watters,
Woodward.—9.

FOR MR. CHEEK.

Messrs. Faucett,
Haughton,
Leathers,

Messrs. Mebane,
Pratt.—5.

FOR MR. JONES.

Messrs. Barco,
Collins,
Gee,
Keener,

Messrs. Littlejohn,
Martin,
Stone,
Thos. Wilson.—8.

FOR MR. LUMSDEN.

Mr. Cherry.

No person having received a majority of the whole number of votes, the House, on motion of Mr. Clayton, voted again as follows :

FOR MR. ANDERSON.

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmond,
Martin,
Mangum,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shepard,
Shaw,
Taliafero,
White,
N. L. Williamson,
R. P. Williamson,
Wilder.—44.

FOR MR. LOVELL.

Messrs. D. A. Barnes,
Bridgers,
Brown,
Burgin,
Calloway,
Caldwell,

Messrs. George,
Golding,
Hayes,
Lord,
Mills,
McNair,

Church,
Win. Dickson,
Douthit,
Emerson,
Faucett,
Foy,
Gambill,

Phifer,
Poindexter,
Purveyor,
Reid,
Roane,
Sharp.—25.

FOR MR. MOORE.

Messrs. Speaker,
Adams,
Barco,
Bond,
Credle,
Davenport,
Fagg,
Guthrie,
Grist,
Guyther,
Harrie,
Jackson,

Messrs. Leathers,
Moore,
Miller,
Odom,
R. T. Paine,
Perkins,
Pratt,
Prentiss,
Trull,
Washington,
Whitehurst,
T. Wilson.—24.

FOR MR. HINSHAW.

Messrs. Brower,
Clayton,
Cochran,
Davis,
Hackney,
Haughton,

Messrs. Locke,
T. H. Robinson,
Rush,
Street,
Thrash,
Waddill.—12.

FOR MR. GILLESPIE.

Messrs. Doak,
McLean,
C. L. Payne,

Messrs. Smith,
Watters.—5.

FOR MR. JONES.

Messrs. Gee,
Keener,
Littlejohn,

Messrs. Stone,
N. Wilson.—5.

No one having received a majority of the whole number of votes, the House, on motion of Mr. Puryear, voted a third time as follows; the name of Mr. Gillespie having been withdrawn:

FOR MR. LOVELL.

Messrs. Atkins,
D. A. Barnes,
J. Barnes,
Bridgers,
Brown,
Brogden,
Burgin,
Calloway,
Caldwell,
Church,
Clayton,
Davis,
W. Dickson,
Douthit,
Doak,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Gambill,
George,
Golding,
Hayes,
Jones,

Messrs. Keener,
Lord,
Locke,
Mebane,
Miller,
Mills,
McNair,
McNeill,
McLean,
Nixon,
C. L. Payne,
Phifer,
Poindexter,
Puryear,
Reid,
T. H. Robinson,
Roane,
Scales,
Shepard,
Sharpe,
Smith,
Thrash,
Waddill,
R. P. Williamson.—48.

FOR MR. MOORE.

Messrs. Speaker,
Adams,
Barco,

Messrs. Jackson,
Leathers,
Mangum,

Bond,
Credle,
Davenport,
Foy,
Gee,
Guthrie,
Grist,
Guyther,
Hackney,
Haughton,
H. F. Harris,

Moore,
Odom,
R. T. Paine,
Perkins,
Pratt,
Prentiss,
Street,
Trull,
Watters,
Washington,
Whitehurst.—28.

FOR MR. ANDERSON.

Messrs. E. Barnes,
Beaman,
Brame,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Kelly,

Messrs. Kirk,
Lea,
Lemmond,
Martin,
Mitchell,
Murphy,
McIntyre,
Rankin,
Regan,
Richardson,
H. Robinson,
Sanders,
Shaw,
Taliaferro,
Wilder.—31.

FOR MR. JONES.

Messrs. Littlejohn,
Reinhardt,
Stone,

Messrs. N. Wilson,
T. Wilson.—5.

FOR MR. HINSHAW.

Messrs. Brower,
Cochran,

Messr. Rush,
White.—4.

No person having received a majority of the votes, Mr. Haughton moved that the House proceed immediately to vote again for this officer.

The motion was agreed to, and the names of Messrs. Anderson, Hinshaw, and Jones were withdrawn from the nomination; and the House voted as follows:

FOR MR. LOVELL.

Messrs. Atkins,
E. Barnes,
D. A. Barnes,
J. Barnes,
Beaman,
Bridgers,
Brower,
Brown,
Brame,
Brogden,
Burgin,
Calloway,
Caldwell,
Church,
Clayton,
Collins,
Cochran,
Cunningham,
Davis,
W. Dickson,
J. G. Dickson,
Douthit,
Doak,
Dunn,
Edwards,
Ellis,
Emerson,
Fagg,
Fleming,
Gambill,
George,
Golding,
Graves,
Hayes,

Messrs. Littlejohn,
Lord,
Locke,
Martin,
Mebane,
Miller,
Mills,
Mitchell,
Murphy,
McIntyre,
McNair,
McNeill,
McLean,
Nixon,
R. T. Paine,
C. L. Payne,
Phifer,
Poindexter,
Puryear,
Rankin,
Regan,
Reid,
Richardson,
H. Robinson,
T. H. Robinson,
Roane,
Rush,
Sanders,
Scales,
Shepard,
Sharpe,
Shaw,
Stone,
Smith,

Hamrick,
Hawkins,
Jones,
Kelly,
Keener,
Kirk,
Lea,
Lemmond,

Taliaferro,
Thrash,
Trull,
Waddill,
Watters,
Whitehurst,
White,
R. P. Williamson.—84.

FOR MR. MOORE.

Messrs. Speaker,
Adams,
Barco,
Bond,
Davenport,
Faucett,
Foy,
Gatling,
Gee,
Guthrie,
Grist,
Guyther,
Hackney,
Haughton,

Harris,
Jackson,
Leathers,
Mangum,
Moore,
Odom,
Perkins,
Pratt,
Prentiss,
Street,
Washington,
T. Wilson,
Wilder.—27.

FOR MR. JONES.

Messrs. Reinhardt and N. Wilson.—2.

Mr. Lovell having received a majority of the whole number of votes, was declared duly elected Assistant Door-keeper.

Mr. Moore moved that the Rules of Order of the last House of Commons be deemed and held in force until others are adopted.

On motion of Mr. Puryear,

Resolved, That a Committee of five be appointed, to prepare Rules of Order for the government of this House the present Session.

On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, informing that body of the organization of this House; and that the Commons are now ready to co-operate with that House, in the despatch of business.

On motion of Mr T. Wilson,

The House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, Nov. 20, 1844.

Under the Resolution of yesterday, the Speaker appointed the following Committee on Rules of Order, viz: Messrs. Puryear, Mills, Moore, Graves and J. Barnes.

Mr. Moore, on behalf of said Committee, reported in part, recommending the adoption of the following Rule of Order, viz:

Six standing Committees shall be appointed, viz: A Committee on Claims, a Committee on Propositions and Grievances, a Committee on Education, a Committee on Agriculture, a Committee on Internal Improvement, and a Committee on Privileges and Elections. Each of said Committees shall consist of eleven members—one from each Electoral District; to be appointed by the Members from the Counties composing said District.

The report was concurred in, and the Rule adopted; and the House, in pursuance thereof, proceeded to the appointment of the Standing Committees, as follows:

CLAIMS.--Consisting of

Messrs. T. Wilson,
Harrison,
Hawkins,
Brogden,
McNair,

Messrs. Haughton,
Mebane,
Miller,
Phifer,
Reid,

Clayton.

PROPOSITIONS AND GRIEVANCES.

Messrs. Jones,
Davenport,
Littlejohn,
Adams,
H. Robinson,

Messrs. Lord,
Locke,
Graves,
Scales,
White,

Fagg.

EDUCATION.

Messrs. Cherry,
Harris,
Shepard,
J. G. Dickson,
Watters,

Messrs. Guthrie,
Cunningham,
C. L. Payne,
Waddill,
Caldwell,

Mills.

AGRICULTURE.

Messrs. Bond,
Grist,
Collins,
Jackson,
Murphy,

Messrs. Street,
Doak,
Golding,
T. Robinson,
W. Dickson,

Roane.

INTERNAL IMPROVEMENT.

Messrs. Ehringhaus,
Guyther,
Moore,
Washington,
Regan,

Messrs. Brower,
McLean,
Puryear,
Kirk,
Church,
Fleming.

PRIVILEGES AND ELECTIONS.

Messrs. Barco,
J. Barnes,
Martin,
Foy,
McIntyre,

Messrs. Atkins,
Faucett,
Taliaferro,
Dunn,
Ellis,
Keener.

On motion, the House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, Nov. 21, 1844.

The House met in pursuance of adjournment, and on motion, adjourned until to-morrow morning 10 o'clock.

FRIDAY, Nov. 22, 1844.

The House met in pursuance of adjournment, and on motion, adjourned until to-morrow morning 11 o'clock.

SATURDAY, NOV. 23, 1844.

The Speaker announced the appointment of the following Committees :

COMMITTEE ON THE JUDICIARY.

Messrs. Moore,
Poindexter,
R. T. Paine,
Mills,

Messrs. Washington,
Lord,
Shepard,
Graves,
Bridgers.

COMMITTEE ON PRIVATE BILLS.

Messrs. D. A. Barnes,
Sharpe,
Gatling,
Whitehurst,
Edwards,
Wilder,
Leathers,

Messrs. Douthit,
Watters,
Beaman,
Calloway,
Lemmond,
Thrash,
Hamrick.

COMMITTEE OF FINANCE.

Messrs. Mills,
Cherry,
Poindexter,
Mebane,

Messrs. Haughton,
Atkins,
Ellis,
Jones.

COMMITTEE ON THE LIBRARY.

Messrs. Guthrie, Ellis, and R. P. Williamson.

Mr. Puryear, from the Committee heretofore appointed to prepare and report Rules of Order for the government of the House, and for conducting the business thereof, made a Report.

The Report was read and concurred in, and the following adopted as the

RULES AND ORDER

OF CONDUCTING BUSINESS IN

THE HOUSE OF COMMONS.

TOUCHING THE DUTY OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House, on the preceding day, shall have adjourned; shall immediately call the members to order, and on the appearance of a quorum, cause the Journal of the preceding day to be read.

2. He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, viz: "As many as are of opinion that, (as the question may be,) say, Aye:" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: Those in the affirmative of the question, shall rise from their seats; and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side of the question, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side of the question, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

5. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment, except in case of sickness.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all elections, the Speaker shall vote. In other cases, he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal: in case of such equal division, the question shall be lost.

8. The Speaker shall arrange the orders of the day unless the House shall otherwise direct.

9. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and seal, attested by the Clerk.

10. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

11. No person shall be permitted to come within the bar of the House, unless by the invitation of the Speaker or some member of the House; and the range of pillars in front of the Speaker's Chair shall be considered the bar of the House.

12. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

13. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received without special leave of the House, until the former is disposed of. All elections by the House, shall be *viva voce*, unless there be but one nominee, in which case appointments may be made on motion; and on such elections, the roll shall be called a second time for absentees before the result is announced.

OF DECORUM AND DEBATE.

14. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

15. When the Speaker shall call a member to order, he shall sit down; as also he shall when called to order by another member,

unless the Speaker decide the point of order in his favor. By leave of the House, the member called to order may clear a matter of fact, or explain, but shall not proceed in debate so long as the decision stands, but by permission of the House. Any member may appeal from the decision of the Chair; and if, upon the appeal, the decision be in favor of the member called to order, he may proceed. If otherwise, he shall not, except by leave of the House; and if the case, in the judgment of the House, require it, he shall be liable to its censure.

16. When two or more members rise at the same time, the Speaker shall name the member to speak.

17. No member shall speak more than twice on the same question, without leave of the House.

18. Whilst the Speaker is putting any question or addressing the House, no person shall speak, stand up or walk out or across the House; nor when a member is speaking, entertain private discourse, stand up, or pass between him and the Chair.

19. No member shall vote on any question, touching his right to a seat in the House, or on the passage of any private bill or resolution in the event of which he is immediately and directly interested, or in cases where he was not present when the question was put by the Speaker. Upon a division and count of the House on any question, no member without the bar shall be counted.

20. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

21. When a motion is made and seconded, it shall be stated by the Speaker, or if written, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

22. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

23. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House; but may be withdrawn before a decision or amendment.

24. When a question is under debate, no motion shall be received but to adjourn, to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend; which several motions shall have precedence in the order they stand arranged; and no motion to lay on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition.

25. A motion to adjourn shall always be in order, except when the House is voting, or some member speaking, and shall be decided without debate.

26. When a question is postponed indefinitely, the same shall not be acted upon again during the Session.

27. Any member may call for a division of the question, when the same will admit of it; which shall be determined by the Speaker.

28. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

29. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

30. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer; and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

31. No Bill, petition, memorial, or other papers that may be introduced, shall be taken out of the possession of the House or sent to the Senate until the time for re-consideration shall have elapsed.

32. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

33. No member shall be called upon for words spoken in the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

34. Any twenty members, including the Speaker, shall be authorized to compel the attendance of absent members.

35. No member or officer of the House shall absent himself from the service of the House, without leave, unless from sickness or inability to attend.

36. Any member may excuse himself from serving on any Committee at the time of his appointment, if he is a member of two Standing Committees.

37. If any member shall be necessarily absent on any temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted, upon motion, to vote.

38. No standing rule or order shall be rescinded, altered, or suspended, without one day's notice given of the motion thereof; and to sustain such motion, two-thirds of the House shall be required.

COMMITTEES.

39. Six standing Committees shall be appointed at the commencement of the session, viz: A Committee on Claims, a Committee on Propositions and Grievances, a Committee on Education, a Committee on Agriculture, a Committee on Internal Improvement, and a Committee on Privileges and Elections. Each of said Committees shall consist of eleven members—one from each Electoral District; to be appointed by the Members from the Counties composing said District. In addition to the above standing Committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the Committee on Private Bills.

40. A select standing Committee, consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the Committee on the Judiciary."

41. Select Committees shall consist of five members. It shall be the duty of the person first named on any Committee to cause the members of the Committee to convene when necessary, and when so convened, they shall appoint some one of their number Chairman.

42. In forming a Committee of the whole House, the Speaker shall leave his chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

43. Upon bills committed to a Committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by sections, before a question on its passage be taken.

44. All questions, whether in Committee, or in the House, shall be propounded in the order in which they were moved, except

that in filling up blanks, the largest sum and longest time shall be first put.

45. The rules of proceeding in the House shall be observed in a Committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

46. In a Committee of the whole House, a motion that the Committee rise shall always be in order, except when a member is speaking, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

47. Every bill shall be introduced by motion for leave, or by order of the House on the report of a Committee.

48. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

49. Upon the second reading of the bill, the Speaker shall state it as ready for commitment or amendment.

50. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two-thirds of the members present.

51. All resolutions which may grant money out of the Treasury, or such as shall be of a public nature, shall be treated in all respects in a similar manner with public bills.

52. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at the second reading of the repealing bill; and shall not be read at any other reading of said repealing bill, unless required by one-third of the House.

53. When a bill has been once rejected, no other of the same purport shall be introduced again during the session.

54. The Clerk of the House shall be deemed to continue in office until another is appointed.

EDWARD STANLY,

Speaker of the House of Commons.

By order,

CHARLES MANLY, *Clerk.*

Received from the Senate a message, informing of the organization of their body, by the appointment of Burgess S. Gaither, of Burke, as Speaker, Thos G. Stone, Clerk, Perrin Busbee, Clerk Assistant, and James M. Page and Patrick McGowan as Door-keepers; and that they are now ready to proceed to the despatch of the public business.

Mr. Waddill presented the following Resolution:

Resolved, That John McNeill, Esq. one of the sitting members from the County of Robeson, has not the necessary qualifications required by the Constitution of this State, to entitle him to a seat on this floor.

Be it therefore Resolved, That his seat be, and the same is hereby vacated.

The said Resolution was read, and on motion of Mr. Waddill, referred, together with sundry documents and affidavits accompanying, to the Committee on Privileges and Elections.

On motion of Mr. Th. Wilson,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee, to be composed of two members on the part of each House, whose duty it shall be to wait upon His Excellency, Gov. Morehead, and inform him of the organization of both branches of the Legislature, and of their readiness to receive any communication he may wish to make.

Received from the Senate a message, concurring in the proposition, and informing that Messrs. Elliott and Cameron form the Committee on the part of the Senate.

Ordered that Messrs. Th. Wilson and Lea compose said Committee on behalf of the Commons.

Mr. R. T. Paine presented the following Resolution, which was read and adopted:

Resolved, That a Select Committee, to consist of seven members, be appointed, to enquire if any and what amendments are necessary to the 123d Chapter of the Acts of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property, and that said Committee report by Bill or otherwise.

Said Committee consists of Messrs. R. T. Paine, Whitehurst, Credle, Watters, Nixon, Sanders, and J. B. Jones.

On motion of Mr. Mills,

Resolved, That a message be sent to the Senate, proposing to print in pamphlet form, the Constitution of the United States, the Constitution of this State, the Rules of Order of the Senate and House of Commons, and the Joint Rules of both Houses; one copy for each member of the Assembly—one copy for each of the Clerks of the two Houses, and ten copies for the State Library.

The Report of the Comptroller of Public Accounts on the fiscal operations of the Treasury Department, was laid before the House,
And on motion of Mr. Lord,

Resolved, That a message be sent to the Senate, proposing to print in pamphlet form, the Comptroller's Report for the fiscal year ending 1st Nov. 1843; one copy for each member, &c.

Mr. Regan presented a Resolution in favor of Jno. Sinclair and Mr. Fleming;

A Resolution in favor of Thomas Wilson.

These Resolutions were read the first time, passed, and referred to the Committee on Claims.

Mr. Th. Wilson, from the Joint Select Committee appointed to wait upon His Excellency, the Governor, reported that the Committee had discharged their duty, and were authorized to say, that the Governor would, on Monday next at 12 o'clock, make a communication in writing to the General Assembly.

On motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing that the two Houses do proceed immediately to the election of three Engrossing Clerks.

The proposition was agreed to, and the following persons were nominated for the appointment, viz:

Wm. J. Lewis, James F. Simmons, Jno. D. Cameron, Wm. P. Forest, Joseph Holderby, Henry H. Potter, J. M. Drake, Maurice Q. Waddell, Chas. C. Nelson, C. C. McCrummen, Joshua E. Lumsden, Jeremiah Clark, Asa B. Gunter, Wm. A. Walker, Jno. B. Russ, J. J. Thomas, Thos. S. Clark.

A message from the Senate, concurring in this proposition, and informing that Messrs. Albright and Drake compose their branch of the Committee to superintend the election.

Ordered that said Committee on behalf of the Commons, consist of Messrs. Caldwell and Scales.

The House proceeded to vote.

FOR MR. T. S. CLARK.

Messrs. Speaker,
Adams,
J. Barnes,
Credle,
Edwards,
Foy,
Grist,
Harris,
Jackson,

Messrs. Kelly,
Moore,
Perkins,
Prentiss,
Shepard,
Washington,
Watters,
Whitehurst,
Thos. Wilson.—18.

FOR MR. WADDELL.

Messrs. Speaker,
D. A. Barnes,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Credle,
Doak,
Ehringhaus,
Emerson,
Faucett,
Foy,
Gambill,
Gee,
George,
Guthrie,
Guyther,

Messrs. Hackney,
Haughton,
Hayes,
Leathers,
Littlejohn,
Locke,
Mebane,
Mills,
Moore,
Odom,
R. T. Paine,
Pratt,
Purveyar,
Roane,
Sharp,
Smith,
Street,
Trull,
Waddill,
Watters.—40.

FOR MR. CAMERON.

Messrs. Speaker,
D. A. Barnes,
J. Barnes,

Messrs. McNair,
McNeill,
Odom,

Bridgers,
Cunningham,
Douthit,
Edwards,
Fleming,
Graves,
Jones,
Lea,

H. Robinson,
Scales,
Sharp,
Shaw,
Street,
Trull,
Waddill.—21.

FOR MR. WALKER.

Messrs. Adams,
Bond,
Davenport,
Grist,
Guyther,

Messrs. Kelly,
Perkins,
Smith,
T. Wilson.—9.

FOR MR. SIMMONS.

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brame,
Bridgers,
Cherry,
Cochran,
Collins,
Davenport,
Ellis,
Gee,
Haughton,
Jones,
Littlejohn,

Messrs. Locke,
Martin,
Moore,
McLean,
Odom,
Phifer,
Regan,
H. Robinson,
Sharpe,
Stone,
Watters,
Whitehurst,
N. L. Williamson,
N. Wilson,
T. Wilson.—30.

FOR MR. HOLDERBY.

Messrs. Brame,
Brown,
Calloway,
Church,
Collins,
Credle,
Cunningham,

Messrs. Mebane,
Miller,
Mitchell,
McIntyre,
McLean,
Nixon,
C. L. Payne,

W. Dickson,
Doak,
Emerson,
Fagg,
Faucci,
Gatling,
Golding,
Graves,
Grist,
Hamrick,
Hayes,
Kirk,
Lea,
Lord,

Poindexter,
Purvey,
Rankin,
Reinhardt,
Richardson,
Roane,
Scales,
Smith,
Taliaferro,
Thrash,
Trull,
White,
R. P. Williamson.—41.

FOR MR. LUMSDEN.

Mr. Brogden.

FOR MR. J. CLARK.

Messrs. Brown,
Clayton,
Ellis,
Emerson,
Gambill,
Golding,
Guyther,
H. F. Harris,
Hayes,
Keener,
Kirk,

Messrs. Lord,
Miller,
C. L. Payne,
Phifer,
Poindexter,
Purvey,
Reid,
Reinhardt,
T. H. Robinson,
Whitchurst.—21.

FOR MR. NELSON.

Messrs. Cherry,
Murphy,
Prentiss,

Messrs. Shepard,
Washington,
N. Wilson.—6.

FOR MR. FOREST.

Mr. Mitchell.

FOR MR. RUSS.

Messrs. Burgin,
Caldwell,
Davis,
W. Dickson,
Doak,
Dunn,
Ehringhaus,
Fagg,
Faucett,
Gee,
Guthrie,
Hamrick,
Harrison,
Keener,
Leathers,

Messrs. Lemmond,
Littlejohn,
Mangum,
Martin,
Mebane,
Mills,
McLean,
McNair,
C. L. Payne,
Pratt,
Rankin,
Sanders,
Stone,
White,
N. Wilson.—30.

FOR MR. THOMAS.

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Jackson,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Taliaferro,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—46.

FOR MR. MCCRUMMEN.

Messrs. Atkins,
E. Barnes,
Beaman,
Brower,
Cochran,
J. G. Dickson,
Foy,
Locke,
Murphy,
McIntyre,

Messrs. McNair,
McNeill,
R. T. Paine,
Prentiss,
Richardson,
Rush,
Shaw,
Street,
Washington,
R. P. Williamson.—20.

FOR MR. POTTER.

Messrs. Atkins,
Barco,
Cochran,
Davenport,

Messrs. Harris,
Nixon,
Perkins,
Sanders.—8.

FOR MR. LEWIS.

Messrs. Barco,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Davis,
Wm. Dickson,
J. G. Dickson,
Douthit,
Fagg,
Fleming,
Gambill,
Gatling,

Messrs. George,
Golding,
Jackson,
Keener,
Lord,
Miller,
Mills,
R. T. Paine,
Phifer,
Reid,
Roane,
T. Robinson,
Thrash.—27.

FOR MR. GUNTER.

Messrs. Beaman,
Guthrie,
Hackney,
Haughton,

Messrs. Pratt,
Rush,
Waddill.—7.

FOR MR. DRAKE.

Messrs. E. Barnes,

Bond,

Brogden,

Brower,

Clayton,

Davis,

Douthit,

Dunn,

Ehringhaus,

George,

Hackney,

Harrison,

Messrs. Leathers,

Lemmond,

Mangum,

Poindexter,

Regan,

T. Robinson,

Rush,

Shepard,

Taliaferro,

Thrash,

Wilder,

N. L. Williamson.—24.

Mr. Caldwell, from the Committee appointed to superintend this election, reported that no one had received a majority of the whole number of the votes of the two Houses, and that there was no election.

The report was concurred in, and on motion of Mr. Haughton,

Ordered, That a message be sent to the Senate, proposing another vote immediately, for Engrossing Clerks.

Received from the Senate a message, concurring in this proposition, and informing that Messrs. Thompson, (of Bertie,) and Walker form their branch of the Committee.

Ordered that Messrs. R. T. Paine and Brogden compose said Committee on behalf of this House.

The House then voted as follows :

FOR MR. THOMAS.

Messrs. Atkins,

E. Barnes,

J. Barnes,

Beaman,

Brame,

Bridgers,

Brogden,

Collins,

Cunningham,

Messrs. Mangum,

Martin,

Mitchell,

Murphy,

McIntyre,

McNeill,

Nixon,

Rankin,

Regan,

J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—47.

FOR MR. WADDELL.

Messrs. Speaker,
Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Doak,
Ehringhaus,
Emerson,
Davis,
Faucett,
Foy,
Gambill,
Gatling,
Gee,

Messrs. Hackney,
Harrison,
Haughton,
Leathers,
Littlejohn,
Locke,
Mebane,
Mills,
Moore,
McLean,
Odom,
R. T. Paine,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Puryear,
Reid,
Rush,
Sharpe,
Smith,
Street,
Trull,
Waddill,

George,	Washington,
Golding,	Watters,
Grist,	Whitehurst,
Guthrie,	T. Wilson.—59.
Guyther,	

FOR MR. HOLDERBY.

Messrs. Adams,
Brown,
Church,
Collins,
Cunningham,
W. Dickson,
Doak,
Dunn,
Emerson,
Faucett,
Gatling,
Golding,
Graves,
Grist,
Guyther,
Hainrick,
Harrison,
Hayes,
Kirk,
Lea,
Leathers,
Lemmond,
Lord,

Messrs. Martin,
Mebane,
Miller,
Mitchell,
McIntyre,
McLean,
McNair,
R. T. Paine,
C. L. Payne,
Poindexter,
Pratt,
Puryear,
Rankin,
Reinhardt,
Richardson,
Roane,
Scales,
Smith,
Taliafero,
Trull,
White,
R. P. Williamson,
T. Wilson.—46.

FOR MR. CAMERON.

Messrs. Speaker,
Atkins,
D. A. Barnes,
J. Barnes,
Bridgers,
Cunningham,
J. G. Dickson,

Messrs. Locke,
Murphy,
McNair,
McNeill,
Nixon,
Odom,
H. Robinson,

Edwards,	Scates,
Ellis,	Sharp,
Foy,	Shaw,
Graves,	Street,
Harris,	Trull,
Kelly,	Waddill,
Lea,	Watters.—28.

FOR MR. T. S. CLARK.

Messrs. Speaker,
J. Barnes,
Bridgers,
Credle,
Doak,
Edwards,
Foy,
Golding,
Grist,
Harris,
Jackson,

Messrs. Kelly,
Moore,
McLean,
Perkins,
Prentiss,
Sanders,
Washington,
Watters,
Whitehurst,
Thos. Wilson.—21.

FOR MR. SIMMONS.

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Cherry,
Davenport,
Gee,
Houghton,
Jones,
Littlejohn,
Locke,
Moore,

McNeill,
Odom,
Perkins,
Reid,
Sharpe,
Smith,
Stone,
Washington,
Wilder,
N L. Williamson,
N. Wilson.—23.

FOR MR. J. CLARK.

Messrs. Atkins,
Brown,
Calloway,
Davenport,
Douthit,
Dunn,
Ellis,
Emerson,
Davis,
Gambill,
George,
Guyther,
Harris,

Messrs. Keener,
Kirk,
Lemmond,
Lord,
Miller,
C. L. Payne,
Phifer,
Poindexter,
Purveyar,
Rankin,
Reid,
T. Robinson,
Thrash.—26.

FOR MR. WALKER.

Mr. Credle.

FOR MR. LEWIS.

Messrs. Barco,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Davis,
W. Dickson,
Douthit,
Fleming,
Gambill,
George,
Haughton,
Hayes,

Jackson,
Keener,
Lord,
Miller,
Mills,
Mitchell,
McIntyre,
Nixon,
Phifer,
Roane,
T. H. Robinson,
Thrash,
Whitehurst.—27.

FOR MR. DRAKE.

Messrs. E. Barnes,
Beaman,

Messrs. Hayes,
Mangum,

Bond,	Regan,
Brame,	Richardson,
Brogden,	T. Robinson,
Brower,	Rush,
Clayton,	Shepard,
Davis,	Taliaferro,
Douthit,	Wilder,
Ehringhaus,	N. L. Williamson.—21.
Hackney,	

FOR MR. RUSS.

Messrs. E. Barnes,	Messrs. Leathers,
Brame,	Littlejohn,
Brogden,	Mangum,
Burgin,	Martin,
Caldwell,	Mebane,
Cherry,	Mills,
Cochran,	McNair,
Collins,	R. T. Paine,
Davis,	C. L. Payne,
W. Dickson,	Pratt,
Ehringhaus,	Roane,
Faucett,	Reinhardt,
Fleming,	Sanders,
Gee,	Shepard,
Guthrie,	Stone,
Hamrick,	Thrash,
Jones,	White,
Keener,	N. Wilson.—36.

FOR MR. McCRUMMEN.

Messrs. Beaman,	Messrs. H. Robinson,
Brower,	Rush,
Cochran,	Shaw,
J. G. Dickson,	Street,
Murphy,	Waddill,
Regan,	R. P. Williamson.—12.

FOR MR. GUNTER.

Messrs. Guthrie and Hackney.

FOR MR. NELSON.

Mr. Prentiss.

Mr. Paine, from the Committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election.

The report was concurred in.

Received from the Senate a message, proposing another vote be had immediately for these officers, and informing that Messrs. Lindsay and Holmes form their branch of the Committee to superintend the election.

The message was agreed to.

The names of Messrs. Lumsden, Gunter, Walker, McCrummen, and Forest, were withdrawn from the nomination, and Messrs. Shepard and Guyther appointed a committee on behalf of the House of Commons to superintend the voting.

The House voted as follows:

FOR MR. WADDELL.

Messrs. Speaker,
Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,

Messrs. Houghton,
Hayes,
Leathers,
Littlejohn,
Locke,
Mebane,
Mills,
Moore,
McLean,
McNair,
Odom,

Church,
Cochran,
Credle,
Davenport,
Wm. Dickson,
Doak,
Dunn,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Gambill,
Gatling,
Gee,
George,
Golding,
Guthrie,
Guyther,
Hackney,
Hamrick,

R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Purvey,
Reid,
Rush,
Sharpe,
Shepard,
Smith,
Street,
Thrash,
Trull,
Waddill,
Watters,
Whitehurst,
R. P. Williamson,
T. Wilson.—62.

FOR MR. HOLDERBY.

Messrs. Brame,
Brown,
Burgin,
Church,
Clayton,
Collins,
Cunningham,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Emerson,
Faucett,
Golding,
Grist,
Guyther,
Hamrick,
Hayes,
Keener,

Messrs. Miller,
Mitchell,
McIntyre,
McLean,
McNair,
C. L. Payne,
Poindexter,
Pratt,
Purvey,
Rankin,
Reid,
Roane,
H. Robinson,
T. Robinson,
Scales,
Shepard,
Smith,
Taliaferro,
Trull,

Lea,
Leathers,
Martin,

R. P. Williamson,
T. Wilson.—43.

FOR MR. THOMAS.

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Bramc,
Brogden,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Hamrick,
Harrison,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,
Mangum,

Messrs. Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Taliaferro,
Thrash,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—45.

FOR MR. CAMERON.

Messrs. Atkins,
D. A. Barnes,
J. Barnes,
Beaman,
Bridgers,
Brower,
Cochran,
Credle,
Cunningham,
J. G. Dickson,

Messrs. Murphy,
McIntyre,
McNair,
McNeill,
Nixon,
Odom,
R. T. Paine,
Rankin,
Regan,
Reinhardt,

Edwards,
Ellis,
Fleming,
Foy,
Grist,
Hackney,
Harris,
Kelly,
Kirk,
Lea,
Loeke,
Mebane,

Richardson,
H. Robinson,
Rush,
Sanders,
Seales,
Shaw,
Street,
Trull,
Waddill,
Washington,
Watters,
Wilder.—44.

FOR MR. J. CLARK.

Messrs. Speaker,
Bridgers,
Brown,
Davenport,
Douthit,
Dunn,
Ellis,
Emerson,
Fagg,
Gambill,
Guthrie,
Guyther,
Hackney,

Messrs. Harris,
Lemmond,
Lord,
Miller,
Phifer,
Poindexter,
Prentiss,
Purvey,
Reid,
Roane,
Washington,
White,
Whitehurst.—26.

FOR MR. T. S. CLARK.

Messrs. Speaker,
Adams,
Atkins,
D. A. Barnes,
J. Barnes,
Bond,
Bridgers,
Credle,
Edwards,

Messrs. Littlejohn,
Lord,
Moore,
Murphy,
McLean,
Perkins,
Prentiss,
Richardson,
Smith,

Foy,
Grist,
Harris,
Jackson,
Jones,
Kelly,

Street,
Waddill,
Washington,
Watters,
Whitehurst,
Thos. Wilson.—30.

FOR MR. RUSS.

Messrs. E. Barnes,

Brame,
Brogden,
Caldwell,
Calloway,
Cherry,
Clayton,
Cochran,
Collins,
Davis,
Doak,
Ehringhaus,
Faucett,
Fleming,
Foy,
Gee,
Guthrie,
Harrison,
Jones,
Kirk,

Messrs. Leathers,

Littlejohn,
Locke,
Mangum,
Martin,
Mebane,
Miller,
Mills,
McNeill,
R. T. Paine,
C. L. Payne,
Pratt,
Prentiss,
Regan,
Rush,
Sharp,
Shaw,
Stone,
Wilder,
N. Wilson.—40.

FOR MR. DRAKE.

Messrs. E. Barnes,

Beaman,
Brogden,
Brower,
Davis,
Ehringhaus,

Messrs. Mangum,

T. Robinson,
Rush,
Shepard,
Taliafero,
N. L. Williamson.—12.

FOR MR. SIMMONS.

Messrs. Adams,
Barco,
Bond,
Cherry,
Gee,
George,
Harrison,

Messrs. Haughton,
Moore,
Odom,
Perkins,
Sharpe,
Stone,
N. L. Williamson.—14.

FOR MR. LEWIS.

Messrs. Barco,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Davenport,
Davis,
W. Dickson,
Douthit,
Fagg,
Fleming,
Gambill,
Gatling,
George,
Golding,

Messrs. Haughton,
Hayes,
Jackson,
Keener,
Lord,
Mills,
Mitchell,
Nixon,
Phifer,
Reinhardt,
Roane,
T. Robinson,
Sanders,
Thrash,
White,
N. Wilson.—32.

Mr. Shepard, from the Committee of Election of Engrossing Clerks, reported that Maurice Q. Waddell had received a majority of the votes for Engrossing Clerk, and is therefore elected; and that there is no election as to the others.

Which report was concurred in by the House.

On motion, leave of absence from the service of the House from and after this day until Wednesday next, was granted to Mr. Mebane.

On motion, the House adjourned until Monday morning 10 o'clock.

MONDAY, Nov. 25, 1844.

The House met pursuant to adjournment.

A report from W. Hill, Secretary of State, was received and read, and on motion of Mr. Poindexter, ordered to be sent to the Senate.

On motion of Mr. Clayton,

Ordered, That a message be sent to the Senate, proposing to go into an immediate election for two Engrossing Clerks; and informing them that the name of Jeremiah Clark is withdrawn from the nomination.

Received from the Senate a message, concurring in this proposition, and informing that Messrs. Drake and Forest are withdrawn from the nomination; and that Messrs. Smith and Exum form the Committee on the part of the Senate, to attend to said election.

Ordered, that Messrs. Guthrie and Nixon superintend said election on the part of this House.

The House then proceeded to vote as follows :

FOR MR. LEWIS.

Messrs. Speaker,
Barco,
J. Barnes,
Beaman,
Brogden,
Brower,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Collins,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Douthit,
Emerson,
Fagg,

Messrs. Haughton,
Hayes,
Jones,
Keener,
Kelly,
Lord,
Miller,
Mills,
McIntyre,
Nixon,
R. T. Paine,
Phifer,
Purveyor,
Rankin,
Regan,
Reid,
Roane,
T. Robinson,
Rush,

Fleming,
Gambill,
Gatling,
George,
Golding,
Guyther,

Sanders,
Thrash,
White,
Wilder,
T. Wilson.—49.

FOR MR. SIMMONS.

Messrs. Adams,
Barco,
Cherry,
Fagg,
Gee,
Littlejohn,
Moore,

Messrs. Odom,
Perkins,
Sharp,
Thrash,
Watters,
N. L. Williamson.—13.

FOR MR. CAMERON.

Messrs. Atkins,
D. A. Barnes,
Bridgers,
Brower,
Cochran,
Cunningham,
Ehringhaus,
Ellis,
Grist,
Guthrie,
Hackney,
Harris,
Haughton,
Leathers,
Locke,
Lord,
Murphy,

Messrs. McNair,
McNeill,
Odom,
Phifer,
Pratt,
Prentiss,
Reid,
H. Robinson,
T. Robinson,
Rush,
Sharpe,
Shaw,
Street,
Trull,
Waddill,
Washington,
Watters.—34.

FOR MR. HOLDERBY.

Messrs. Brame,
Brower,

Messrs. Hayes,
Jackson,

Brown,	Keener,
Church,	Lea,
Clayton,	Lemmond,
Credle,	Miller,
W. Dickson,	Mitchell,
Doak,	McLean,
Douthit,	McNair,
Dunn,	R. T. Paine,
Emerson,	C. L. Payne,
Faucett,	Poindexter,
Foy,	Puryear,
Gambill,	Roane,
George,	Scales,
Golding,	Smith,
Graves,	Taliafero,
Hackney,	Trull,
Hamrick,	R. P. Williamson.—39.

FOR MR. T. S. CLARK.

Messrs. Speaker,	Messrs. Harris,
Adams,	Jackson,
Atkins,	Kirk,
Barco,	Moore,
D. A. Barnes,	McLean,
Bond,	Perkins,
Cherry,	Poindexter,
Credle,	Prentiss,
Davenport,	Smith,
Doak,	Street,
Edwards,	Waddill,
Ehringhaus,	Washington,
Foy,	Whitehurst,
Grist,	T. Wilson.—29.
Guyther,	

FOR MR. THOMAS.

Messrs. E. Barnes,	Messrs. Mangum,
J. Barnes,	Martin,

Beaman,
Brame,
Bridgers,
Brogden,
Calloway,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Fleming,
Gatling,
Graves,
Guyther,
Hamrick,
Harrison,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
White,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—45.

FOR MR. RUSS.

Messrs. E. Barnes,
Burgin,
Caldwell,
Cochran,
Davis,
Faucett,
Gee,
Guthrie,
Harrison,
Leathers,
Littlejohn,

Messrs. Locke,
Mangum,
Martin,
Mills,
C. L. Payne,
Pratt,
Reinhardt,
Shepard,
Stone,
Whitehurst,
N. Wilson.—22.

Mr. Guthrie, from the Committee, reported that no one had received a majority of the whole number of votes, and that there was no election.

Which report was concurred in.

Mr. Adams, of Johnston, introduced a Bill to make Real Estates assets.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

On motion of Mr. Cherry,

Ordered, That a message be sent to the Senate, proposing to ballot on to-morrow at 11 o'clock, for a Solicitor of the First Judicial Circuit, and informing that the name of David Outlaw is in nomination for the office.

Received from the Senate a message, concurring in this proposition.

Received from His Excellency, John M. Morehead, the Governor of the State, by his Private Secretary, Mr. Pryor Reynolds, the following communication.

Which was read, and on motion of Mr. Caldwell, ordered to be sent to the Senate, with a proposition that Ten copies be printed for each member.

Mr. Wilson moved that Five copies be printed instead of Ten. Which motion did not prevail.

Received from the Senate a message, refusing to concur with this House in printing Ten copies, and proposing to print Five copies for each member of the Legislature.

Which proposition of the Senate was concurred in.

MESSAGE OF HIS EXCELLENCY, JOHN M. MOREHEAD,

TO THE

GENERAL ASSEMBLY

OF NORTH CAROLINA,

At the commencement of the Session of 1844.

Gentlemen of the Senate

and of the House of Commons :

Your biennial return to the seat of Government for the purposes of legislation, as the representatives of a free and happy people, is always an occasion of interest to the patriot, and one of gratitude to Him, whose kind Providence directed our fathers in the paths

of political wisdom, and cast our lots in this favored and happy land. May we not hope for a continuance of the same favors, by walking in the same paths, and devoutly asking of Him that guidance and purity of purpose which will lead to wholesome and wise legislation.

Many subjects of importance will engage your attention, but whether you deem this a proper time to act upon all of them, is a matter for your deliberate consideration.

PUBLIC FINANCES.

The condition of the Public Treasury should especially engage your attention. The appropriations made at the session before the last, to discharge the debt due for building the Capitol, so far exhausted the public fund, that it was insufficient to meet the current expenses of the government; and the Public Treasurer was directed to borrow of the Literary and Internal Improvement Boards what money might be needed to meet those expenses.

Reference to his report to the last Legislature and to his monthly settlements with the Comptroller, will show the amount of the Literary fund used by him, and the amount that was kept on hand for his use; as it was deemed better that the State should use these funds, than go elsewhere to borrow.

The current expenses of the State and the long session of the last Legislature, left the public Treasury, at its rise, nearly or quite exhausted, except as to the funds belonging to the Boards.

The last Legislature, aware of the condition of the Treasury, and, being called upon to make provision to meet the payment of \$50,000 of the Bonds of the Wilmington and Raleigh Rail Road falling due in Jan. 1843, and endorsed by the State, directed the Literary Board to redeem those Bonds; and, finding it necessary likewise to make provision to meet the interest falling due on the bonds of the Raleigh and Gaston Rail Road Company, endorsed by the State, and to raise funds to meet the current expenses of the State until the taxes of 1843 should be paid into the Treasury, authorized the public Treasurer to borrow the sum of \$50,000 from one of the Boards or of the Banks of the State; and, being likewise desirous to do something for the relief of the people, it directed the Literary Board to loan out its funds. At the time these requirements of the Board were made, it had less than \$50,000 in the Treasury, about \$100,000 in bonds upon individuals, and the balance of its funds in stocks and permanent securities.

The Literary Board, desirous to meet that high confidence manifested by the Legislature in their financial skill, pressed collections, and with the cash in hand redeemed the \$50,000 of Rail Road bonds; and by the assistance of the funds of the Board of Internal Improvement, and those the Literary Board had been able to pay into the Treasury, the public Treasurer has been enabled to meet all demands at the Treasury, without borrowing elsewhere, notwithstanding \$50,000 of the bonds of the Wilmington and Raleigh Rail Road, which fell due in January, 1844, endorsed by the State, had to be paid by the Treasurer.

The Literary Board did not believe that it was intended by the Legislature that its stocks and other securities should be sold to raise a fund to be loaned to the people; and however much the Board regretted the disappointment so many were destined to experience (for applications for loans were very numerous,) it was unable to avoid it and render the State, to which the Board owed its first duty, that aid which it needed.

It is evident, upon the slightest reflection, how embarrassing it is to the Boards charged with the management of the Literary and Internal Improvement funds, to be required to hold these funds subject to the requirements of the Public Treasury, and to be prevented from investing them in some profitable and permanent investment, whereby a large amount of interest is lost.

I therefore recommend that ample and permanent provision be made to supply the Public Treasury, and that whatever interest ought justly to be due to the two Boards, upon their funds kept in the Treasury for the public service, be paid over to the Literary Board, to go into the distribution fund for the use of "Common Schools."

RAIL ROADS.

As the embarrassments of the Treasury arise in part from the connection of the State with our Rail Roads, it becomes a matter of absorbing interest to devise the means whereby their usefulness to the public may be continued, and the State at the same time sustain no detriment on account of her liabilities for these Roads.

The difficulties under which these Roads labor, arise from their indebtedness for their construction. The Wilmington and Raleigh Rail Road, including the sea route to Charleston, cost some two millions of dollars, while the stock paid in amounted to about thirteen hundred and fifty thousand dollars only, leaving the balance of the cost of construction a debt against the corporation, the in-

terest of which absorbs a large portion of its receipts. So of the Raleigh and Gaston Rail Road. It cost about one million, five hundred thousand dollars, while its stock paid in was only about six hundred and fifty thousand dollars, leaving the balance of its cost of construction a debt against the corporation, the interest of which absorbs all its receipts, after defraying the current expenses.

To aid these corporations, the State, under acts of the Legislature, passed for the purpose, endorsed for the latter 800,000 dollars of its bonds, none of which are yet due; and for the former \$300,000 of its bonds, half of which have fallen due and been paid or redeemed—\$50,000 by the corporation itself; \$50,000 have been redeemed by the Literary Board, as directed by the Legislature; \$50,000 have been paid by the Public Treasurer; and \$50,000 continues to fall due each succeeding January, until all fall due; to meet which, the Legislature must make provision in the event the corporation fails to pay.

To secure the State against any loss upon these endorsements, deeds of mortgage have been executed, as required by the acts, upon all the property and effects of these Roads. It is respectfully submitted to your wisdom to adopt such course, in relation to these Roads, as will secure the public interest.

In regard to the Wilmington and Raleigh Rail Road, it should be remembered that the State is owner of \$600,000 of its capital stock, and, therefore, whatever course may be pursued, as to the State's liability upon its endorsement, due regard should be had to this stock; that it may be protected as far as possible, without involving the State in further difficulties. And further, the State being the principal Stockholder in the corporation, her honor requires that its debts should be paid, without any reference whatever to her mere legal liabilities. She holds a large portion of the stock—she holds the Road, steamboats and all its effects of value, under mortgage to indemnify her—and creditors must rely mainly on the liberality of the State to permit them to get their money from the corporation.

It is believed, from the success attending the operations of this Road, notwithstanding its heavy losses by fire and at sea, that if indulged for a few years, it will be able to meet all its liabilities, and extricate itself from debt, and appreciate the value of its stock.

This indulgence, it is believed, may be easily given without any further risk to the State.

✓ Already the Literary Board holds of the Bonds of this corporation, endorsed by the State as before stated, \$50,000; the State Treasurer holds \$50,000 more, paid for by him out of the funds of the same Board lying in the Treasury; and the Literary Board, by collecting in its debts, will be enabled to take up the other bonds, or, at least, the larger part of them, as fast as they fall due. And I doubt not the corporation would promptly pay the interest to procure indulgence on the principal, whereby it will be enabled to meet other liabilities which press, and sometimes embarrass, its operations.

The Literary Fund should be in *safe* and *certain* investments. What safer or more certain investments could this fund have, than in these bonds? Safe, because the State is security, and has a mortgage upon property, costing over two millions of dollars, to secure their payment; certain, because they yield semi annually three per cent. interest; which does not fluctuate like the dividends of Bank Stock.

Should this course be adopted, the Board will be aided and relieved; the Literary Fund will have a safe and certain investment; and the State will be no further involved.

Whether you will adopt this or some wiser course, is submitted to your consideration. But whatever course is pursued, ample provision should be made to sustain the credit of the State, in every possible contingency.

In regard to the Raleigh and Gaston Rail Road, this work too was constructed, as before stated, mostly upon credit—the balance due for its construction, after exhausting the whole of the stock subscribed, amounting to a sum much larger than the whole stock.

This corporation having failed in January, 1843, to pay the interest due on its bonds endorsed by the State, the Public Treasurer promptly paid it, and preserved the faith of the State, and has continued to do so ever since. The amount thus paid will appear from his report.

A Bill in Equity has been filed according to the requirements of the acts authorizing the endorsement, to sequester the profits of the Road to indemnify the State—and a receiver has been appointed. It is believed that the receipts of this Road for years to come will be insufficient to keep it in repair and pay the interest upon its debt; consequently its debt must continue to increase. It is, therefore, respectfully submitted whether it would not be better for the Stockholders, the State, and the public, that the Road and its effects should be disposed of under the mortgages; so that

whether it falls into the hands of the State or into the hands of a new set of Stockholders, incorporated for the purpose—it may be disembarassed ; for little doubt is entertained, that with even its present prospects, it will not only keep itself in repair, but will yield besides a considerable income.

Should you determine to take this course, such steps should be adopted as will be best calculated to enhance the value of the property. This course is due to the State to protect her against her liabilities—it is due to those individuals who voluntarily entered into bonds to the amount of \$500,000, to indemnify the State against her endorsement ; and it is due to the Stockholders to make the property, if possible, bring more than the amount of the debts due from the corporation : so that the stock may not be an entire loss.

And, in connection with this subject, I will respectfully refer you to the message submitted by myself to the last Legislature, relative to effecting a communication by Rail Road between this Road and the several Rail Roads which terminate at Weldon, and to constructing a Turnpike from Raleigh westward. These two improvements would greatly enhance the utility and value of the Raleigh and Gaston Rail Road, and I doubt not, would cause it to bring a much higher price.

Since the adjournment of the last Legislature, a portion of the Portsmouth and Roanoke Rail Road, within the limits of this State, was torn up and rendered impassable, by an individual claiming it as a purchaser, at a sale made under an execution against the corporation, whereby the travel and transportation on the road were for a time obstructed. The legality of the course pursued by the purchaser has undergone judicial investigation, and the matter is now pending before the Supreme Court.

It is not my design to express or intimate an opinion as to the propriety or legality of the course pursued by the purchaser.

The interest which Stockholders have in a corporation created for the public use and convenience, should be subject to their debts ; and the property held by such corporation should be liable to its debts ; but this interest and property should be reached by the creditor in such way as not to put the public to inconvenience, destroy the franchise, and defeat the object had in view by the Legislature in its creation. If there be no law to enable creditors to reach the interests of Stockholders and the property of corporations, without detriment to the public, such a law should be passed as will enable creditors to secure their debts, and at the same

time, secure to the public the benefit and convenience intended by creating the corporation.

INTERNAL IMPROVEMENTS.

Upon the subject of Internal Improvements, I respectfully invite your attention to the suggestions made in my message to the last Legislature. And, in addition to those suggestions, I will add that few rivers in the South are more susceptible of improvement for navigable purposes, and at a small expense, than the rivers in the lower part of our State.

It is true that for a portion of the year they are deficient in depth of water for navigation; but that may be easily remedied by the construction of dams and locks at those parts of the rivers where the water is of insufficient depth, as there is always water enough to keep the dams filled. There being but little descent in those rivers after leaving the great falls, usually found near the commencement of the alluvial region, but few dams would be requisite to make them permanently navigable.

Take the Cape Fear, for instance—I am not informed as to the descent of its channel below Fayetteville; but beginning at that point on the river which can, at all stages of the water, be reached by steamboats from Wilmington—and I think it very probable that a half dozen dams with locks of ten feet lift each, would render the river at all times navigable for steamboats to Fayetteville.

With a permanent steamboat navigation from our excellent port of Wilmington, to Fayetteville, and a good Turnpike from thence to some navigable point on the noble Yadkin, who can estimate the vast advantages to the State?

Take the Neuse—already has a steamboat ascended it, in its present unimproved condition, as far as Smithfield, within twenty-eight miles of Raleigh.

It is said, by those better acquainted with the river than myself, to be at all times navigable from Newbern to, or within a short distance of Waynesborough, some fifty miles distant from Raleigh. Allowing a foot or two descent in every mile necessary to give to any stream a current, can doubt be entertained that eight or ten dams with locks of ten feet lift each, would give permanent steamboat navigation to the immediate vicinity of Raleigh?

Again, the course of this river in some places is extremely circuitous: after winding about for miles it returns to within a very short distance of its own channel. Across the isthmus at those

points of approximation, short navigable canals might be cut, with locks at their lower terminations,—thus at once avoiding the expense of any dam—shortening the navigation, and overcoming whatever ascent there might be in the natural channel.

This improvement would give permanent steamboat navigation from Newbern to any point on the Neuse to which it might be carried; and the facility of navigation would be greatly increased by deadening the current and making it equal to slack water navigation. Boats of burthen could be easily towed by steamboats, or propelled by other power.

Immediately connected with this improvement of the Neuse, is another subject of importance altogether worthy of consideration.

Our Harbor of Beaufort is believed to be equal, if not superior to any other on our coast, south of the Chesapeake.

In my last message, I drew the attention of the Legislature to the propriety of pressing upon the attention of Congress the necessity of making a ship channel from Pamlico Sound to this Harbor, as well as the necessity and utility of opening a ship channel at or near Nag's Head, between the Albemarle Sound and the Atlantic Ocean.

I now invite your attention, likewise, to those subjects with a recommendation that you press their consideration upon the attention of the General Government.

But to the connection between the navigation of the Neuse and Beaufort Harbour—whatever connection there may be between Beaufort Harbour and Pamlico Sound, the freight boats on the Neuse cannot avail themselves of its benefit.

Such craft as will navigate the river cannot live in stormy weather in the wide waters of the Neuse below Newbern, and of the Pamlico Sound. The river boats, therefore, will have to put their cargoes aboard of larger craft at Newbern to be taken to Beaufort. This transshipment it is desirable to avoid, and it is more than probable it can be avoided.

The section of country between Newbern and Beaufort, a distance of some forty or fifty miles, is comparatively a plain, but little elevated above the Neuse at Newbern, or the Ocean at Beaufort, with a soil admirably adapted to the purposes of constructing canals. A canal may be cut from Beaufort to some point on the Trent and Neuse at or near Newbern, so as to avoid any wide waters that might make the navigation dangerous, and the river boats be locked into this canal, and thus deliver their cargoes from

the upper country direct on ship board in one of the best Harbors of the Union.

The practicability of this improvement is unquestionable, if there be streams between these two points of sufficient magnitude and elevation to serve for feeders to the canal. Upon this point I am not informed; but if there be not such streams, there is ample water of sufficient elevation in lakes Ellis and Long Lake to answer the purpose, which, by some additional expense, might be brought to the canal to supply it.

With good navigation from Beaufort to the vicinity of Raleigh, and a good Turnpike or Rail-road westward from that point, who can estimate its vast importance to this State? Whether this improvement be practicable, and what will be its cost, can be easily ascertained. The science of engineering is no longer an occult science, and its application no longer a mystic art. It is already reduced, in our country, to a common practical science of every day application.

Surveys and estimates can be made, and responsible persons can be found ready to undertake any enterprise and guarantee its execution for a stipulated sum. To undertake now a work of Internal Improvement is not, as heretofore, taking a leap in the dark. We only have to look before we leap, and then we can ascertain certainly what will be the result.

No doubt is entertained that a similar system of improvements by dams and locks upon the Tar and Roanoke rivers, will greatly improve their navigation.

For constructing the dams and locks no material can be cheaper and stronger than our longleaf pine, well weighed down with stone; and its durability, when constantly kept wet, sufficient for all practical purposes.

The views expressed in relation to these improvements are made rather with a hope that they may attract public attention and elicit public enquiry, than with the expectation that you will take any action upon the matter at this time, further than, it may be, to institute some inquiry to obtain information.

I have but little to add to the suggestions I made to the last Legislature relative to improvements in the middle and western parts of the State. They want good roads. Give them facility in getting to good markets, and their energy and industry will supply them with all they need.

THE ELECTION.

I was duly notified by the Sheriff of Davidson, of the death of the Hon. Charles Brummell, a member elect of that county to the House of Commons; and by the Sheriff of Casswell, of the death of the Hon. Levi Walker, a member elect from that county to the House of Commons; and by the Sheriff of Greene, of the death of the Hon. James Harper, a member elect from that county to the House of Commons; and by the Sheriff of Johnston, of the death of the Hon. Ransom Sanders, the Senator elect of that county to the present Legislature.

Writs of election have been issued to fill these vacancies. This extraordinary mortality among the members elect of the Legislature, so short a time, too, after their election, and the death of a distinguished citizen, late a candidate for the office of Governor of our State, and the death of several other candidates either during or immediately after their canvass, seem to appeal to you with great force upon the propriety of altering the time of holding the elections.

It is proper that candidates for public favor should have an opportunity of visiting and seeing those whose confidence they seek; and that the voters should have the opportunity of judging of their qualification.

But these opportunities should be afforded them at a time of the year when the heat and diseases of summer do not endanger their lives. It is likewise true that some of our citizens in the lower Counties are deprived of their votes. They are driven from the low country by the fear of disease before the election, and dare not return to vote at the time at which it is now held. It is, therefore, respectfully recommended that the day of holding the elections, for the future, be some time in the months of June or July.

THE JUDICIARY.

The Bench of our Supreme Court has been deprived of one of the brightest ornaments that ever adorned it, and North Carolina of one of her noblest and most cherished sons, in the death of WILLIAM GASTON, late one of the Associate Justices of that Court. He was emphatically "a good man and a great Judge." His place was supplied by the Governor and Council by the appointment of the Hon. FREDERICK NASH, of Hillsborough, one of the Judges of the Superior Courts, to that Bench. The Hon. DAVID F. CALDWELL, of Salisbury, was in like manner appointed to the Bench

of the Superior Court to fill the vacancy occasioned by the resignation of Judge NASH. Their commissions expire with the termination of your session. It will be your duty, therefore, to fill both vacancies.

The offices of Solicitor for three of the Judicial districts are vacant. It devolves on you to fill them.

AGRICULTURE.

While provision is made in our colleges and schools for the instruction of our youth preparatory to their entering into the learned professions, little or no effort is made to prepare them for that most useful of all pursuits, *Agriculture*. Should any generous youth desire to become a scientific Agriculturalist and an intelligent, practical farmer, no provision is made for his instruction in any of our schools or colleges. Indeed, so little intellect is employed in our Agriculture, that our youth rather deem it a reflection upon their minds to engage in it, and look upon it as a pursuit only worthy of the slave or the hind who is as ignorant as the brute he drives. This impression should be removed. What pursuit can be more interesting, more intellectual? The mightiest minds are lighting up the path of the Agriculturist by their extraordinary discoveries in Chemistry. A Dana, a Johnson, a Liebig and others are looking into the arcana of nature and revealing her wonderful secrets to the husbandman.

Agriculture to a cultivated mind ceases to be a laborious and stupid pursuit, followed only because it provides the necessaries of life. It has become an intellectual pursuit, worthy of the most fastidious taste or exalted mind.

I therefore recommend that an Agricultural professorship be added to our University; or, if it be deemed better, that an Agricultural School be established, where Agriculture may be taught as a science, and where a model farm may be attached, and the science be practically illustrated and applied to use.

And I likewise recommend an Agricultural, Geological and Mineralogical survey of the State.

No State in the Union presents more interesting geological formations, or a greater variety of soils and productions, than ours. Such surveys, made by a man of science, would add much useful information to our present knowledge of the State, and would doubtless greatly aid the cause of Agriculture.

A scientific mineralogical survey, skillfully made, and reported in terms and language within the comprehension of miners and

persons of ordinary education, would greatly aid the mining operations of our State—an interest becoming well worthy of legislative attention. Now ignorance gropes in the dark in search of metals and minerals, never found in the formations where the search is made: then the light of science would point out the localities where search might be made with every probability of success. I believe the same amount of money could not be so usefully applied in any other way as in procuring these surveys.

STATISTICS.

In every civilized country it has been found useful to obtain as much statistical information as possible. This subject has been greatly neglected. Who can tell or even make a rational guess as to the quantity of the various productions of our State—the number of acres in cultivation, the number of domestic animals, the extent of our manufacturing, mechanical and mining operations? Yet it is believed all this information might be obtained with little trouble or expense through the aid of our County Courts. I therefore recommend the subject to your attention.

COMMON SCHOOLS.

All the Counties in this State have adopted the Common School system, except Edgecomb and Rowan. If it be proper, and for the interest of the State, that the children of the other Counties should be educated, it is equally proper that the children of these two Counties should receive similar advantages.

The net annual income of the Literary Fund distributed in March and September amounted to the sum of \$92,027 71.

The Schools have gone generally into operation; but there is yet want of system in their management. It is believed nothing would aid the success of these Schools more than the appointment of an efficient State Agent, well versed in the subject of Common Schools, whose duty it should be to travel over the State, visit the Counties, see, advise and direct the superintendents and School Committees in the discharge of their duties, and use his influence to awaken a lively interest in the success of popular education.

The Literary Board will, during your session, give a report more in detail as to the operations of the system, management and condition of the funds, accompanied by such remarks and suggestions as it will be deemed expedient and proper to make; to which I respectfully refer you for further information.

ASYLUMS.

For more than a century and a quarter the Legislature of this State has been engaged in making laws for the benefit of that class of its citizens which least needed aid, while the helpless and afflicted children of misfortune, are almost wholly disregarded.— Although we possess a large fund applied to the purposes of general education, no provision whatever is made whereby the deaf and dumb and blind, those most needing its aid, are benefitted. The facility with which they can be taught is truly surprising. And when we reflect that it is believed that the deaf mutes, without education, have no just idea of a Supreme Being; that neither they nor the blind can read the word of salvation without instruction, and the great ease with which both can be taught to read it, is it not wonderful that any Christian community should delay a moment to make provision for their instruction?

Again: no provision is made for their maintenance and support, except what is to be found in the poor laws. Many of them, if educated and instructed in useful employments, would be able to maintain themselves and enjoy life as rational creatures. Without these advantages, we often find them huddled together within the confines of a loathsome Poor House, doomed to while away a miserable existence in wretchedness to themselves, and at an increased expense to those whose duty it is to make for them more ample provision.

The condition of the insane merits your earnest attention.— Many of them might be restored to themselves and to their usefulness, if an asylum were provided, where skilful and experienced managers could have the supervision and control of the patient.— There those, whose cases were hopeless, might likewise receive the care and attention their condition required. I therefore most earnestly recommend that ample provision be made for the education of the deaf, dumb and blind; for the restoration of the insane, if practicable, and for the comfortable sustenance of all.

It may be said this is not a propitious time to undertake so great a work. A century has passed, and the time has not come.— Another may pass, and it still may not come. If a bounteous Providence were to withhold his favors from us, so long as we withhold ours from his afflicted children, how quickly would we make that propitious time arrive! Now is the time. You have only to will it, and it is done. The means are at your command. That miserly constituent who grudgingly yields the little portion which

he would be required to contribute towards so good a work, deserves not the showers and sunshine of Heaven, and need not hope for a blissful futurity. Without the aid of *your* branch of the government, gentlemen, that unfortunate class may bid farewell to hope, and welcome despair.

PENITENTIARY.

For years past the subject of changing our Criminal Code by the establishment of the Penitentiary System, has engaged public attention. Doubtless you are aware of the wishes of your constituents upon the subject, and will fully comply with them. I am satisfied that criminals often escape conviction from a humane feeling in the jury—and their unwillingness to subject the offender to severe and ignominious corporal punishment. And if a criminal be convicted, the present mode of punishment is but illy calculated to reform him or benefit the State. Solitary confinement and hard labor are wholesome remedies for desperate moral diseases.

It is believed that the adoption of the system would be good economy : the profits arising from the labor of criminals would exceed the expense of carrying the criminal law into execution, and 't would be an admirable system to apply the proceeds arising from the punishment and correction of vice and idleness to the Common School fund, to aid in the moral and intellectual cultivation of our youth. It would be rearing the beautiful and delicate flower of Virtue out of the fetid hot-bed of Vice.

HISTORY.

As long as the American Union shall endure, so long will the History of the establishment of American Independence be a subject of deep interest to every Patriot. The Revolutionary history of this State is fraught with incidents of the deepest interest, and does honor to our patriotic sires. While another State boasts of being the cradle of Liberty, North Carolina alone can boast of possessing its birth-place. It was on her soil, on the 20th of May 1775, that her sons reared the standard of Liberty, boldly declared their independence of the British Crown, and declared themselves "a free and independent people," "a sovereign and self-governing association." We are wholly unworthy such illustrious descent, if we neglect to preserve by all means in our power, the history of the gallant deeds by which they sustained that declaration.

The Index to the Colonial Documents of our State, printed by order of the last Legislature, to which I refer you, shows that very important historical information relative to this State, may be obtained from the Archives of the British Government. Access to these Archives has been generously tendered by that Government to this State; and permission granted to take copies of any documents we desire. It is believed that an Agent, well qualified for the purpose, can be found who will proceed to England and procure such copies as may be deemed useful, for a sum but little exceeding the expenses of the trip and pay to clerks for making the copies. It is submitted to you whether it is not due to ourselves to send such an agent.

CHEROKEE BONDS.

The debt due to the State for the purchase of Cherokee lands is but little reduced in amount by collections—an evidence of the difficulty of raising money in that region.

When we look at the difficulties, incident to new settlements, which the debtors who reside in the extreme Western Counties have to encounter, their remoteness from market, and their destitution of good roads, we are not surprised that large payments are not made.

The lands sold for a good price: besides other security, the State holds the titles until the purchase money is paid: The lands are increasing in value by settlement. Good policy, therefore, dictates that such indulgence should be extended to these debtors as will eventually secure the payment of the debt, and induce them to remain among us as useful citizens.

THE CAPITOL.

I deem it scarcely necessary to call your attention to the Public Square and the Capitol. They are before you; the propriety of putting a suitable enclosure around the Square is too obvious to require from me any recommendation.

It is bad economy, after laying out a half million of dollars in a building that does honor to the State, to withhold the small amount necessary to enclose and protect it.

THE SWAMP LANDS.

No sale of the Swamp Lands drained by the State have been yet made. An attempt was made to effect a sale in 1841, shortly

after the drainage of a portion of the land, but the general pecuniary embarrassment which then prevailed, caused but little attention to be paid to the sales; and the few bids made were so low, that the Board did not deem it proper to accept them. No attempt to sell has been since made, because the Board deemed the times unpropitious, and believed the lands to be daily increasing in value by the decomposition of the vegetable matter, greatly hastened by the draining.

PUBLIC LANDS.

To make such public improvements and to erect such charitable Institutions as we need, the State must have money. To raise funds for such use by taxation, would be burthensome to the citizens. It seems to me no fund can more appropriately belong to the States than that arising from the sales of the public lands, and that that fund can be in no way applied more advantageously than in the improvement of the social and natural condition of the States.

There can be no further use for withholding the fund from the States, under pretence that it is needed for the use of the General Government. The present Tariff will raise an amount amply sufficient to meet all the exigencies of the General Government, economically administered: and we now have some assurance that the Tariff will continue uninterrupted, and the protective policy become firmly established. Indeed, so thoroughly convinced have the people become, that the doctrine of Free Trade, whatever it may be in theory, is in practice a mere humbug, that in the late contest for the Presidency, no candidate appeared advocating that doctrine—both the rival candidates advocating the principle of protection. Now is the time to press for a distribution of this fund. Indeed, its distribution should at all times be pressed. It appears to me surprising that any one should hesitate on the subject. The sum received by this State, under the distribution ordered under General Jackson's administration, (although one-fourth of the sum ordered was never received,) amounts to more than the whole land and poll tax paid into the Treasury of North Carolina for the last twenty years. So large a sum cannot be annually expected from that source; but a sum that would greatly aid this State might be relied on with certainty. I, therefore, respectfully direct your attention to the subject.

With the present year, by a constitutional provision, closes my official connexion with the Government of North Carolina. In

retiring from the Executive Chair, I shall carry with me but one regret, and that is, that your department of the Government did not assign to me, during my administration, the execution of some work of great and permanent public utility, whereby, in the faithful and zealous performance of the duty, I might manifest to the people of North Carolina the profound gratitude which I feel to them for the confidence they have reposed in me, and for the kindness with which my official acts have been received by them.

Wishing you, gentlemen, a session of pleasantness to yourselves and of usefulness to your constituents,

I remain your Fellow-Citizen

and obedient servant,

JNO. M. MOREHEAD.

Executive Office, Nov. 19, 1844.

Mr. Moore moved that a message be sent to the Senate, proposing to go into an election immediately for two Engrossing Clerks, and informing them that the name of Mr. Simmons is withdrawn from the nomination; and that Messrs. Graves and Davenport form our branch of the Committee to superintend the election.

Received from the Senate a message, concurring in this proposition, and informing that Messrs. Stallings and McMillan form their branch of said Committee.

Whereupon, the House proceeded to vote as follows:

FOR MR. LEWIS.

Messrs. Speaker,
Barco,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,

Messrs. Golding,
Guyther,
Hackney,
Haughton,
Hayes,
Keener,
Miller,
Mills,
McLean,
R. T. Paine,

Davenport,
Davis,
W. Dickson,
Douthit,
Emerson,
Fagg,
Fleming,
Gambill,
Gatling,
George,

C. L. Payne,
Phifer,
Purveyar,
Rankin,
Reinhardt,
T. Robinson,
Rush,
Thrash,
Watters,
White.—40.

FOR MR. CAMERON.

Messrs. Adams,
Atkins,
D. A. Barnes,
Beaman,
Bond,
Brogden,
Cochran,
Cunningham,
J. G. Dickson,
Doak,
Ehringhaus,
Ellis,
Foy,
Grist,
Harris,
Haughton,
Jones,
Kelly,
Leathers,
Locke,
Lord,
Moore,

Messrs. Murphy,
McIntyre,
McNair,
McNeill,
Odom,
Perkins,
Phifer,
Pratt,
Regan,
Reid,
H. Robinson,
T. Robinson,
Rush,
Sharp,
Shaw,
Street,
Trull,
Waddill,
Washington,
Watters,
Wilder,
N. L. Williamson.—44.

FOR MR. THOMAS.

Messrs. Atkins,
E. Barnes,
Beaman,
Brame,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,

Bridgers,
 Brogden,
 Collins,
 J. G. Dickson,
 Dunn,
 Edwards,
 Ellis,
 Fleming,
 Gatling,
 Graves,
 Hamrick,
 Harrison,
 Jackson,
 Jones,
 Kelly,
 Kirk,
 Lea,
 Lemmond,

McIntyre,
 McNeill,
 Nixon,
 Rankin,
 Regan,
 Reinhardt,
 H. Robinson,
 Sanders,
 Scales,
 Shaw,
 Shepard,
 Stone,
 Taliafero,
 White,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson.—44.

FOR MR. T. S. CLARK.

Messrs. Speaker,
 Adams,
 Barco,
 D. A. Barnes,
 Bond,
 Bridgers,
 Cherry,
 Credle,
 Davenport,
 Edwards,
 Ehringhaus,
 Foy,
 Gee,
 Grist,
 Guyther,

Messrs. Harris,
 Jackson,
 Keener,
 Kirk,
 Moore,
 Nixon,
 Odom,
 R. T. Paine,
 Perkins,
 Prentiss,
 Sanders,
 Washington,
 Whitehurst,
 Thos. Wilson.—29.

FOR MR. RUSS.

Messrs. E. Barnes,
 Caldwell,
 Cochran,

Messrs. Martin,
 Mills,
 Poindexter,

Collins,
Davis,
Faucett,
Gee,
Guthrie,
Harrison,
Leathers,
Lemmond,
Littlejohn,
Locke,
Mangum,

Pratt,
Prentiss,
Roane,
Sharpe,
Shepard,
Smith,
Stone,
Street,
Waddill,
N. Wilson.—27.

FOR MR. HOLDERBY.

Messrs. Brame,
Brower,
Brown,
Burgin,
Calloway,
Church,
Clayton,
Credle,
Cunningham,
W. Dickson,
Doak,
Douthit,
Dunn,
Emerson,
Fagg,
Faucett,
Gambill,
George,
Golding,
Graves,
Guthrie,
Hackney,

Messrs. Hamrick,
Hayes,
Lea,
Littlejohn,
Lord,
Miller,
Mitchell,
McLean,
McNair,
C. L. Payne,
Poindexter,
Puryear,
Reid,
Roane,
Scales,
Smith,
Taliaferro,
Thrash,
Trull,
Whitehurst,
R. P. Williamson,
T. Wilson.—44.

Mr. Graves, from the Committee appointed to superintend this election, reported that no one had received a majority of the whole number of votes, and that there was no election.

The report was concurred in.

A message from the Senate proposing to raise a joint Committee consisting of two on the part of each House, to prepare Joint Rules of Order for the government of the intercourse between the two Houses during the present Session.

The proposition was concurred in, and Messrs. Guthrie and Wilder appointed said Committee on behalf of the Commons.

Mr. Moore introduced a Bill, to amend the Revised Statutes concerning Executions.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Moore introduced a Bill, to amend the 9th Section of the Revised Statutes, entitled an Act concerning the Comptroller.

Which was read the first time and passed, and referred to the Committee on Finance.

Received from the Senate a message, proposing to go immediately into another election for two Engrossing Clerks, and informing that Messrs. Bogle and Eaton form their branch of the Committee on said election.

The proposition was agreed to, and Messrs. Poindexter and Sanders were appointed said Committee on behalf of the Commons.

The House voted as follows :

FOR MR. LEWIS.

Messrs. Speaker,
Barco,
D. A. Barnes,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Davenport,
Davis,
W. Dickson,
Douthit,
Emerson,
Fagg,
Fleming,

Messrs. Hackney,
Haughton,
Hayes,
Jackson,
Keener,
Lord,
Miller,
Mills,
Odom,
R. T. Paine,
Phifer,
Purveyor,
Rankin,
Reinhardt,
Roane,
T. Robinson,
Rush,
Sanders,

Gambill,
Gatling,
George,
Golding,
Guyther,

Thrash,
Waddill,
White,
N. Wilson.—45.

FOR MR. HOLDERBY.

Messrs. Beaman,
Brame,
Brown,
Burgin,
Calloway,
Church,
Collins,
Cunningham,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Emerson,
Faucett,
Gambill,
Gatling,
George,
Golding,
Graves,
Guthrie,
Hamrick,
Harrison,
Hayes,
Jones,
Kirk,
Lea,
Lemmond,
Locke,

Messrs. Mangum,
Martin,
Miller,
Mitchell,
McIntyre,
McLean,
McNair,
McNeill,
C. L. Payne,
Poindexter,
Pratt,
Purveyar,
Rankin,
Regan,
Reid,
Roane,
H. Robinson,
Sanders,
Scales,
Sharpe,
Shepard,
Smith,
Stone,
Taliaferro,
Trull,
N. L. Williamson,
R. P. Williamson.—55.

FOR MR. T. S. CLARK.

Messrs. Speaker,
Adams,
Atkins,

Messrs. Harris,
Jackson,
Jones,

Barco,
Bond,
Bridgers,
Credle,
Davenport,
Edwards,
Ehringhaus,
Fagg,
Foy,
Gee,
Grist,
Guyther,

Keener,
Littlejohn,
Moore,
Perkins,
Prentiss,
Shepard,
Street,
Washington,
Watters,
Whitchurst,
Wilder.—29.

FOR MR. CAMERON.

Messrs. Adams,
Atkins,
D. A. Barnes,
Beaman,
Bond,
Bridgers,
Brogden,
Brower,
Caldwell,
Cherry,
Clayton,
Cochran,
Credle,
Cunningham,
W. Dickson,
J. G. Dickson,
Doak,
Ehringhaus,
Ellis,
Faucett,
Fleming,
Foy,
Graves,
Grist,
Guthrie,
Hackney,
Harris,
Harrison,

Messrs. Mitchell,
Moore,
Murphy,
McIntyre,
McLean,
McNair,
McNeill,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Pratt,
Regan,
Reid,
Reinhardt,
H. Robinson,
T. Robinson,
Rush,
Scales,
Sharp,
Shaw,
Smith,
Street,
Taliaferro,
Thrash,
Trull,
Waddill,

Haughton,
Kelly,
Kirk,
Lea,
Leathers,
Lemmond,
Locke,
Lord,

Washington,
Watters,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson.—71.

FOR MR. RUSS.

Messrs. E. Barnes,
Cochran,
Collins,
Davis,
Edwards,
Gee,
Hamrick,
Leathers,
Littlejohn,

Messrs. Mangum,
Martin,
Mills,
Poindexter,
Prentiss,
Shaw,
Stone,
N. Wilson.—17.

FOR MR. THOMAS.

Messrs. E. Barnes,
Brame,
Brogden,
Dunn,

Messrs. Ellis,
Kelly,
Murphy.—7.

Mr. Poindexter, on behalf of this Committee, reported that Mr. Cameron had received a majority of the whole number of votes, and that he was duly elected; and that no other person in nomination had received a majority.

The report was concurred in.

Received a message from the Senate, proposing to go into an election on to-morrow at twelve o'clock, for a Solicitor in the Sixth Judicial Circuit.

The proposition was agreed to.

A message from the Senate, agreeing to the proposition of this House, to print the Report of the Comptroller of the State, for the fiscal year ending Nov. 1st, 1843.

On motion of Mr. Wilson,

Resolved, That the Clerks be instructed to furnish each of the Standing Committees of this House with a copy of the Revised Statutes of the State, and of the Acts of the last Session of the Legislature : And that the Chairman of these Committees deposit said Books, at the close of the Session, with the Public Librarian.

Mr. Fleming presented a petition in favor of J. W. Garland, Clerk of Yancy County Court.

Which was read and laid on the table.

The resignation of Louis D. Wilson, as Justice of the Peace for the County of Edgecomb, was presented, read and accepted.

Mr. Mills presented a petition in favor of the Justices of the Peace of Haywood County.

Which was read, and referred to the Committee on Propositions and Grievances.

TUESDAY, Nov. 26, 1844.

Received from the Senate the following message :

In Senate, Nov. 26, 1844.

Mr. SPEAKER : The Senate have this morning unanimously passed the following Resolutions, in which they respectfully ask the concurrence of the House of Commons :

Resolved, That the Senate have heard with deep regret of the death of Jno. L. Foreman, one of its members from the County of Pitt ; that they sincerely sympathize with his bereaved family and their friends,

in the heavy affliction which has been brought upon them by this dispensation of Divine Providence; and as a tribute of respect to his memory, the members of this body will wear crape on the left arm during the remainder of the Session.

Resolved, That a message be sent to the House of Commons, informing that body of the melancholy event, asking them to unite with the Senate in paying the last honors to the deceased, and in raising a Joint Select Committee of four from each House, whose duty it shall be to superintend the funeral ceremonies.

Messrs. Joyner, Boyden, Wilson and Cameron form the Senate's branch of the Committee, under the foregoing Resolutions.

B. S. GAITHER,

Speaker of the Senate.

By order,

T. G. STONE, *Clerk of the Senate.*

The message was read, and on motion of Mr. Harris, seconded by Mr. Washington, the Resolutions and propositions embraced therein were unanimously agreed to, and Messrs. Perkins, Bridgers, Washington, and Shepard, were appointed a Committee on behalf of the Commons, to co-operate with the Committee on the part of the Senate.

Mr. Shepard, on the part of this Committee, made a verbal report that the two Houses would assemble on to-morrow at 9 o'clock, and form a procession from the late residence of the deceased, to the limits of the City.

And thereupon, on motion of Mr. Washington, the House adjourned until Thursday morning at 10 o'clock.

THURSDAY, NOV. 28, 1844.

On motion of Mr. Poindexter,

Ordered, That a message be sent to the Senate, proposing to vote

again immediately for one Engrossing Clerk, and informing that the name of Mr. Jno. P. Russ is withdrawn from the nomination; and that Messrs. Nixon and Keener form the Committee on behalf of this House, to superintend the election.

Received a message from the Senate, concurring in this proposition, and informing that Messrs. Worth and Stowe form their branch of the Committee.

The House then proceeded to vote as follows:

FOR MR. HOLDERBY.

Messrs. Beaman,

Brame,

Brower,

Brown,

Cochran,

Collins,

Cunningham,

Doak,

Douthit,

Dunn,

Ellis,

Emerson,

Faucett,

Golding,

Graves,

Guthrie,

Hackney,

Hamrick,

Harrison,

Hawkins,

Hayes,

Jones,

Kirk,

Lea,

Leathers,

Lemmond,

Locke,

Lord,

Mangum,

Messrs. Martin,

Mebane,

Mitchell,

McIntyre,

McLean,

McNair,

McNeill,

Poindexter,

Pratt,

Puryear,

Rankin,

Regan,

Reid,

Richardson,

Roane,

H. Robinson,

Scales,

Sharpe,

Shaw,

Shepard,

Smith,

Street,

Taliaferro,

Trull,

White,

N. L. Williamson,

R. P. Williamson,

N. Wilson.—57.

FOR MR. LEWIS.

Messrs. Barco,
D. A. Barnes,
J. Barnes,
Brogden,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Davis,
W. Dickson,
J. G. Dickson,
Fagg,
Fleming,
Gambill,

Messrs. Gatling,
George,
Haughton,
Keener,
Kelly,
Miller,
Mills,
Nixon,
R. T. Paine,
Phifer,
Reinhardt,
T. Robinson,
Rush,
Thrash,
Waddill.—30.

FOR MR. T. S. CLARK.

Messrs. Speaker,
Adams,
Atkins,
Bond,
Bridgers,
Credle,
Davenport,
Edwards,
Ehringhaus,
Foy,
Gee,
Grist,
Guyther,

Messrs. Harris,
Jackson,
Littlejohn,
Moore,
Murphy,
Odom,
Prentiss,
Washington,
Watters,
Whitehurst,
Wilder,
T. Wilson.—25.

Mr. Nixon, from the Committee appointed to conduct this election, reported that Mr. Holderby had received a majority of the whole number of votes, and that he was duly elected.

The report was concurred in.

Mr. Scales presented the following Resolution :

Resolved, That the Clerk of this House be directed to furnish each member thereof with one copy of the Indexes to Colonial Documents, relative to North Carolina.

Which was read and laid on the table.

Mr. Poindexter presented a Resolution in favor of Leonard Ziglar.

Which was read the first time and passed, and referred, together with the accompanying papers, to the Committee on Claims.

On motion, leave of absence from the service of the House, from and after this day till Monday next, was granted to Mr. C. L. Payne.

On motion of Mr. D. A. Barnes,

Ordered, That a message be sent to the Senate, proposing to go into an election immediately, for a Solicitor in the first Judicial Circuit, and informing that the name of David Outlaw is in nomination.

Received from the Senate a message, agreeing to this proposition, and informing that Messrs. Cowper and Pasteur form their branch of the Committee to conduct this election.

Ordered that Messrs. Cherry and Jones form said Committee on the part of this House.

The House then voted as follows :

FOR MR. OUTLAW.

Messrs. Speaker,

Adams,
Atkins,
Barco,
E. Barnes,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,

Messrs. Kelly,

Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Mangum,
Martin,
Mebane,
Miller,
Mills,
Mitchell,
Moore,
Murphy,
McIntyre,
McLean,

Church,	McNair,
Clayton,	McNeill,
Cochran,	Nixon,
Collins,	Odom,
Credle,	R. T. Paine,
Cunningham,	Phifer,
Davenport,	Poindexter,
Davis,	Pratt,
W. Dickson,	Prentiss,
J. G. Dickson,	Purveyar,
Doak,	Rankin,
Douthit,	Regan,
Dunn,	Reid,
Edwards,	Reinhardt,
Ehringhaus,	Richardson,
Ellis,	Roane,
Emerson,	H. Robinson,
Fagg,	T. Robinson,
Faucett,	Rush,
Fleming,	Sanders,
Foy,	Scales,
Gambill,	Sharpe,
Gatling,	Shaw,
Gee,	Shepard,
George,	Smith,
Golding,	Stone,
Graves,	Street,
Grist,	Taliafero,
Guthrie,	Thrash,
Guyther,	Trull,
Hackney,	Waddill,
Hamrick,	Washington,
Harris,	Watters,
Harrison,	White,
Haughton,	Whitelhurst,
Hawkins,	Wilder,
Hayes,	N. L. Williamson,
Jackson,	R. P. Williamson,
Jones,	N. Wilson,
Keener,	Thos. Wilson.—116.

Mr. Cherry, on behalf of the Committee to conduct this election, reported that Mr. Outlaw had received a majority of the whole number of votes, and that he was duly elected.

The Report was concurred in.

Received from the Senate a message, proposing to go into an election at 12 o'clock this day, for a Solicitor in the Sixth Judicial Circuit.

The proposition was agreed to, and Messrs. Puryear and Kirk were appointed a Committee to superintend the election.

A message from the Senate, informing that the following gentlemen are nominated for the office, viz :

Haywood W. Guion, Hamilton C. Jones, James R. Dodge, and James W. Osborne ;

And also informing that Messrs. Woodfin and Biggs form their branch of the Committee on this election.

The House voted as follows, viz :

FOR MR. GUION.

Messrs. Speaker,
Caldwell,
Davis,
W. Dickson,
Ehringhaus,
Faucett,
Foy,
Hamrick,

Messrs. Jackson,
Leathers,
Mebane,
Mills,
Pratt,
Prentiss,
Washington,
Watters.—16.

FOR MR. JONES.

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Bridgers,
Brogden,
Brower,
Calloway,
Cherry,
Cochran,

Messrs. Mangum,
Martin,
Mitchell,
Moore,
Murphy,
McIntyre,
McNair,
McNeill,
Nixon,
Odom,
R. T. Paine,
Poindexter,
Rankin,

Collins,
Credle,
Davenport,
J. G. Dickson,
Doak,
Douthit,
Edwards,
Ellis,
Gatling,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Harris,
Harrison,
Jones,
Kelly,
Locke,
Lord,

Regan,
Reinhardt,
Richardson,
H. Robinson,
Rush,
Sanders,
Scales,
Sharp,
Shaw,
Shepard,
Smith,
Stone,
Street,
White,
Whitehurst,
N. L. Williamson,
N. Wilson,
T. Wilson.—64.

FOR MR. DODGE.

Messrs. Brame,
Brown,
Burgin,
Church,
Cunningham,
Fleming,
Gambill,
Gee,

Messrs. Graves,
Hawkins,
Lea,
Miller,
Purveyar,
Taliaferro,
R. P. Williamson.—15.

FOR MR. OSBORNE.

Messrs. Clayton,
Dunn,
Emerson,
Fagg,
George,
Haughton,
Hayes,
Keener,
Kirk,
Lemmond,

Messrs. Littlejohn,
McLean,
Phifer,
Reid,
Roane,
T. Robinson,
Thrash,
Trull,
Waddill,
Wilder.—20.

Mr. Puryear, on behalf of the Committee appointed to conduct this election, reported that Hamilton C. Jones had received a majority of the whole number of votes, and that he was duly elected.

The report was concurred in.

On motion of Mr. Poindexter,

Ordered, That a message be sent to the Senate, proposing that the two Houses do hold a session this afternoon, at 4 o'clock, for the purpose of electing a Secretary of State, and nominating for the office, William Hill, Esq. the present incumbent.

A message from the Senate agreeing to this proposition, and informing that Messrs. Tayloe, and Thompson, of Wake, form their branch of the Committee to superintend the election.

The petition in favor of J. W. Garland, Clerk of Yancy County Court, was called up by Mr. Fleming, and referred to the Committee on Propositions and Grievances.

Mr. Moore presented the Resolutions following, viz:

Resolved, That so much of the Governor's Message as relates to the Public Finances, be referred to the Joint Select Committee of Finance.

That so much thereof as relates to Internal Improvement, be referred to the Committee on Internal Improvement.

That so much thereof as relates to Elections, be referred to the Committee on Privileges and Elections.

That so much as relates to the Judiciary, be referred to the Committee on the Judiciary.

That so much thereof as relates to Agriculture, be referred to the Committee on Agriculture.

That so much thereof as relates to Common Schools, be referred to the Committee on Education.

And that so much thereof as relates to Common Schools and Swamp Lands, be referred to the Committee on Education.

These Resolutions were read and adopted.

Mr. Moore also presented the following Resolutions:

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of four, on the part of each House, to whom shall be referred so much of the Governor's Message, as relates to the Rail Roads and their financial connexion with the State.

Also, to raise a Joint Select Committee of three, on the part of each House, to whom shall be referred so much of said message as relates to an Asylum for the Insane and Deaf and Dumb.

Also, to raise a Committee of three, on the part of each House, to whom shall be referred so much of said message as relates to a Penitentiary.

And proposing also, to raise a Joint Select Committee of three, on the part of each House, to whom shall be referred so much of said message, as relates to the enclosing of the Capitol Square.

These Resolutions were read and adopted.

On motion of Mr. Hayes,

Resolved, That so much of the message of His Excellency, the Governor, as relates to Cherokee Land Bonds, be referred to a Joint Select Committee, to consist of five members on the part of each House, with leave to report by bill or otherwise, and that the concurrence of the Senate be asked herein.

On motion of Mr. Adams,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of three on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August election. Said Committee on behalf of this House, consists of Messrs. Adams, Graves and Atkins.

On motion of Mr. Hawkins,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of five on the part of each House, to be styled the Committee on Military Affairs, and informing that Messrs. Hawkins, Waddill, Ehringhaus, Prentiss and Mangum compose the Commons branch of said Committee.

Mr. T. Wilson presented the following Resolution:

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of four members on the part of each House, whose duty it shall be, to take into consideration so much of the Governor's Message as relates to Common Schools; and that they report by Bill or otherwise.

This Resolution was read and rejected.

On motion of Mr. Fagg,

Resolved, That the Committee on Claims be instructed to enquire and report to this House, what sum of money was paid by Messrs. Gash & Killian, of Henderson County, on account of a mistake made in the survey of a Tract of Land, purchased by them at the late sale of Cherokee Lands, made by order of the State.

Mr. Whitehurst presented a petition from sundry citizens of Carteret County, praying a repeal of the Act, allowing the Sheriff of said County mileage on process executed at Ocracoke and Portsmouth.

Which was read and referred to the Committee on Private Bills.

Mr. Wilder presented a memorial from Timothy Haskins, accompanied by sundry documents, contesting the right of Edward W. Sanders to his seat as a member of this House, from the County of Onslow.

Said memorial, and the papers accompanying, were referred to the Committee on Privileges and Elections.

Mr. Hayes presented the petition of Jorial Barnett, of Cherokee County, praying that a title be made to him by the State, to certain Cherokee Lands.

Which was referred to the Committee on Propositions and Grievances.

Mr. Kirk presented a memorial from the 68th Regiment of the Militia, suggesting certain amendments in the Militia Laws.

Which was read, and laid on the table.

Mr. Mills presented a Bill, to cede a portion of Rutherford County to the County of Henderson.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. Gambill presented a Bill for the further relief of Honest Insolvent Debtors.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Moore, a Bill to amend the Revised Statutes, concerning Clerks and Registers.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Fleming, a Bill to abolish the Jury Terms of the County Courts of Yancy County.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

And Mr. Church, a Bill concerning Executions.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Atkins presented a Bill, to amend an Act, entitled an Act, to incorporate the Fayetteville Riflemen of the County of Cumberland.

Which was read and laid on the table.

On motion of Mr. Puryear,

Ordered, That a message be sent to the Senate, proposing to go into an election, on to-morrow at 11 o'clock, for a Solicitor of the Seventh Judicial Circuit, and informing that the names of Jno. G. Bynum, Burges S. Gaither, and Michael Francis are in nomination for the appointment.

Received from the Senate a message, agreeing to this proposition, and informing that Messrs. Boyden and Woodfin form their branch of the Committee to superintend the election.

The resignation of Reuben Hartly, of Ashe County; of Archilaus Hammond, of Columbus; of Thomas Lyth, of McDowell; and of David Campbell, of Randolph County, Justices of the Peace, were presented, read and accepted.

The House then adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Ehringhaus presented a Bill concerning Administrators.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Guthrie presented a Bill, to authorize Wm. Bland, of Chatham County, to construct a dam across Haw River, and to erect a Mill thereon.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Reid presented a Bill to establish a new County by the name of Graham.

Which was read the first time and passed, and on Mr. Reid's motion, laid on the table.

Mr. Sanders, a Bill concerning New River.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Roane introduced a Resolution for the relief of Henry Ad-dington.

Which was read, and referred to the Committee on Claims.

The Speaker laid before the House a communication from John H. Wheeler, Esq. the Public Treasurer, containing his Report on the Treasury Department, and the fiscal operations of the State.

Which was, on motion of Mr. Guthrie, ordered to be sent to the Senate, with a proposition that it be printed.

Received from the Senate a message, agreeing to this proposition to print.

A message from the Senate, agreeing to raise a Joint Select Committee of five on the part of each House, to whom shall be referred so much of the Governor's Message as relates to Cherokee Land Bonds.

Received from the Senate a message, informing that Messrs. Albright and Biggs form the Senate's branch of the Committee on the Joint Rules of Order.

Mr. Guthrie, on behalf of the Committee on the Joint Rules of Order, made a report, recommending the adoption of the former Rules, heretofore considered as the permanent Joint Rules of Order.

The report was concurred in,
And on motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing to print in pamphlet form, the Joint Rules of Order, the Rules of the Senate, and the Rules of the House of Commons, and the Constitution of this State, and the United States, and that they be distributed as follows : One copy for each member, one copy for the Clerks of the two Houses, ten copies for the State Library, and five copies for the University.

Received from the Senate a message, proposing to go into an election on Monday next at 12 o'clock, for a Judge of the Su-

preme Court, to fill the vacancy occasioned by the death of the Honorable William Gaston, and informing that the name of Frederick Nash is in nomination for that office.

The message was read, and on motion of Mr. Poindexter,

Ordered, That the House of Commons do not concur therein, and propose that the two Houses go into this election on to-morrow, at 12 o'clock.

A message from the Senate, proposing to go into an election on Monday next at one o'clock, for a Judge of the Superior Court, to fill the vacancy occasioned by the resignation of the Hon. Frederick Nash.

The proposition was agreed to.

A message from the Senate, transmitting sundry petitions and memorials, in relation to the subject of altering the dividing line between the Counties of Lincoln and Catawba, and proposing to raise a joint Committee of five from each House, to whom the same shall be referred.

The proposition was agreed to, and Messrs. Mebane, Haughton, Ellis, Phifer, and Wilder, were appointed to compose said Committee on the part of the Commons.

The House now proceeded to the execution of the joint order of the two Houses, to vote at 4 o'clock for Secretary of State, and voted as follows—Messrs. Poindexter and Edwards superintending the election.

FOR MR. HILL.

Messrs. Speaker,
Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Bridgers,
Brogden,

Messrs. Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Mangum,
Martin,
Mebane,

Brower,
 Brown,
 Burgin,
 Caldwell,
 Calloway,
 Cherry,
 Church,
 Clayton,
 Cochran,
 Collins,
 Credle,
 Cunningham,
 Davenport,
 Davis,
 W. Dickson,
 J. G. Dickson,
 Doak,
 Douthit,
 Dunn,
 Edwards,
 Ehringhaus,
 Ellis,
 Emerson,
 Fagg,
 Faucett,
 Fleming,
 Foy,
 Gambill,
 Gatling,
 Gee,
 George,
 Golding,
 Graves,
 Grist,
 Guthrie,
 Guyther,
 Hackney,
 Hamrick,
 Harris,
 Haughton,
 Hayes,
 Jackson,
 Jones,
 Keener,
 Kelly,

Miller,
 Mills,
 Mitchell,
 Moore,
 Murphy,
 McIntyre,
 McLean,
 McNair,
 McNeill,
 Nixon,
 Odom,
 R. T. Paine,
 Phifer,
 Poindexter,
 Pratt,
 Puryear,
 Rankin,
 Regan,
 Reid,
 Reinhardt,
 Richardson,
 Roane,
 H. Robinson,
 T. Robinson,
 Rush,
 Sanders,
 Scales,
 Sharpe,
 Shaw,
 Shepard,
 Smith,
 Stone,
 Street,
 Taliafero,
 Thrash,
 Trull,
 Waddill,
 Washington,
 Watters,
 White,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 Thos. Wilson.—109.

FOR MR. MONTGOMERY.

Messrs. Brame, Harrison, Hawkins.—3.

Mr. Poindexter, from the Committee appointed to conduct this election, reported that Wm. Hill, the present incumbent, had received a majority of the whole number of votes, and that he was duly elected Secretary of State.

The report was concurred in.

Received from the Senate a message, disagreeing to the proposition of this House, to go into an election of a Judge of the Supreme Court on to-morrow, instead of Monday.

Whereupon, the House receded from their disagreement to the proposition of the Senate, and agreed to go into said election on Monday next at 12 o'clock.

The House then adjourned till to-morrow morning 10 o'clock.

FRIDAY, Nov. 29, 1844.

Mr. Caldwell presented a petition from sundry citizens of McDowell County, for the incorporation of a Town within said County.

Which was referred to the Committee on Propositions and Grievances.

Mr. Caldwell also presented a petition from sundry citizens of Rutherford and McDowell Counties, praying an alteration of the dividing line between said Counties.

Which was referred to the Committee on Propositions and Grievances.

Mr. Moore, from the Committee on the Judiciary, to whom was referred the Bill to amend the Revised Statutes concerning Executions, reported the same without amendment.

Whereupon, the said Bill was read the second time and passed.

Mr. Moore, from the same Committee, reported unfavorably on the Bill concerning Executions.

The said Bill was read, and on motion of Mr. Guthrie, postponed indefinitely—Yeas 77, Nays 32.

The Yeas and Nays called for by Mr. Taliafero.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Bond,
Brame,
Bridgers,
Brower,
Cherry,
Clayton,
Cochran,
Cunningham,
Davenport,
J. G. Dickson,
Doak,
Douthit,
Dunn
Edwards,
Ellis,
Emerson,
Fagg,
Faucett,
Foy,
Gatling,
Gee,
Golding,
Graves,
Guthrie,
Hamrick,
Harrison,

Messrs. Lemmond,
Littlejohn,
Locke,
Lord,
Mangum,
Mebane,
Miller,
Mills,
Moore,
McIntyre,
McLean,
McNeill,
Odom,
R. T. Paine,
Phifer,
Poindexter,
Pratt,
Prentiss,
Regan,
Richardson,
H. Robinson,
T. Robinson,
Rush,
Sanders,
Scales,
Sharpe,
Shaw,
Shepard,
Smith,
Stone,
Thrash,

Haughton,
Hawkins,
Jackson,
Jones,
Keener,
Kelly,
Kirk,
Lea,

Troll,
Washington,
Watters,
Whitehurst,
Wilder,
R. P. Williamson,
T. Wilson.—77.

Those who voted in the negative, were

Messrs. Beaman,
Brogden,
Brower,
Burgin,
Caldwell,
Calloway,
Church,
Collins,
Credle,
Davis,
W. Dickson,
Ehringhaus,
Fleming,
Gambill,
George,
Guyther,

Messrs. Hackney,
Hayes,
Martin,
Mitchell,
McNair,
Puryear,
Rankin,
Reid,
Reinhardt,
Roane,
Street,
Taliaferro,
Waddill,
White,
N. L. Williamson,
N. Wilson.—32.

Mr. N. L. Williamson presented a memorial from the Officers of the 85th Regiment of Militia.

Mr. Waddell, a memorial from the 53d Regiment suggesting amendments in the Militia Laws.

These papers were referred to the Committee on Military Affairs.

On motion of Mr. Kirk,

Ordered, That the memorial from the 68th Regiment, heretofore presented by him, be referred to the same Committee.

And on motion of Mr. Atkins,

Ordered, That the Bill to amend the Act to incorporate the Fayetteville Riflemen, of the County of Cumberland, be referred to the same.

Mr. R. T. Paine presented a Bill concerning Edenton Academy; and

Mr. Clayton, a Bill to amend an Act, entitled an Act, to keep open the French Broad River, in the County of Buncombe, and the Tennessee River, in the County of Haywood, for the passage of fish, passed in the year 1825—Chapter 118.

These Bills were read the first time and passed, and referred to the Committee on Private Bills.

Mr. Whitehurst presented a petition from sundry citizens of Carteret County, praying that that portion of said County known as Ocracoke, be attached to the County of Hyde.

And Mr. Hayes presented a petition from the Stockholders of the Hiwassee Road, in relation to Tolls.

These petitions were referred to the Committee on Propositions and Grievances.

The Speaker laid before the House, a communication from Weston R. Gales, Esq. Intendant of Police, tendering the use of the Bell attached to the Town Clock, as a signal for the meeting of the Assembly.

The communication was read, and on motion of Mr. Guthrie,

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee of two on the part of each House, who shall confer together upon this subject.

Received a message from the Senate, informing that Messrs, Boyden, Stowe, Walker, Joyner and Cameron compose their branch of the Joint Select Committee, on the subject of altering the dividing line between Lincoln and Catawba Counties.

A message from the Senate concurring in the proposition of this House, to raise a Joint Select Committee of three, on the part of each House, to designate the time and manner of counting and comparing the votes cast for Governor at the late August election, and informing that Messrs. Waddell, Edwards, and Thompson, of Bertie, form their branch of said Committee.

A message from the Senate, agreeing to print in pamphlet form, the Rules of Order and the Constitutions, in the manner proposed by the House.

Ordered, that the Senate be informed that Messrs Keener and Fleming are appointed a Committee on the part of the Commons,

to superintend the election of a Solicitor in the Seventh Judicial Circuit, as heretofore agreed on.

The House voted as follows :

FOR MR. BYNUM.

Messrs. Speaker,

Barco,
D. A. Barnes,
J. Barnes,
Bond,
Brower,
Brown,
Calloway,
Cherry,
Church,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Edwards,
Ehringhaus,
Faucett,
Foy,
Gee,
George,
Golding,
Guthrie,
Guyther,
Hackney,
Hamrick,
Haughton,

Messrs. Jackson,

Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Mitchell,
Moore,
McLean,
Odom,
R. T. Paine,
Poindexter,
Pratt,
Purveyar,
Reid,
T. Robinson,
Rush,
Sharpe,
Smith,
Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
T. Wilson.—59.

FOR MR. GAITHER.

Messrs. Adams,
Atkins,
Beaman,

Messrs. Jones,
Kelly,
Lea,

Brame,
 Bridgers,
 Brogden,
 Burgin,
 Caldwell,
 Collins,
 Cunningham,
 Dunn,
 Ellis,
 Emerson,
 Fagg,
 Fleming,
 Gambill,
 Gatling,
 Graves,
 Grist,
 Hawkins,

Martin,
 Murphy,
 McIntyre,
 McNeill,
 Phifer,
 Regan,
 Richardson,
 H. Robinson,
 Sanders,
 Scales,
 Shaw,
 Shepard,
 Stone,
 Taliafero,
 Wilder,
 N. L. Williamson,
 R. P. Williamson.—40.

FOR MR. FRANCIS.

Messrs. Clayton,
 Hayes,
 Keener,
 Kirk,
 Lemmond,
 Mangum,
 McNair,

Messrs. Prentiss,
 Rankin,
 Reinhardt,
 Roane,
 White,
 N. Wilson.—13.

Mr. Keener, from the Committee on this Election, reported that no one had received a majority of the whole number, and that there was no election.

The report was concurred in.

Received from the Senate a message, proposing another vote immediately for a Solicitor in this Circuit.

The proposition was agreed to, and Messrs. Kirk and Waddill appointed a Committee on the part of the Commons, to superintend the election.

A message from the Senate, informing that Messrs. Boyden and Woodfin compose their branch of said Committee.

The House then voted as follows, viz :

FOR MR. BYNUM.

Messrs. Speaker,

Adams,

Barco,

D. A. Barnes,

Bond,

Brower,

Brown,

Calloway,

Cherry,

Church,

Cochran,

Credle,

Davenport,

Davis,

W. Dickson,

J. G. Dickson,

Doak,

Douthit,

Edwards,

Ehringhaus,

Faucett,

Foy,

Gee,

George,

Golding,

Guthrie,

Guyther,

Hackney,

Hamrick,

Haughton,

Jackson,

Keener,

Messrs. Leathers,

Littlejohn,

Locke,

Lord,

Mebane,

Miller,

Mills,

Mitchell,

Moore,

McLean,

McNair,

Odom,

R. T. Paine,

Poindexter,

Pratt,

Prentiss,

Puryear,

Rankin,

Reid,

T. Robinson,

Rush,

Sharp,

Smith,

Street,

Thrash,

Trull,

Waddill,

Washington,

Watters,

Whitehurst,

T. Wilson.—63.

FOR MR. GAITHER.

Messrs. Atkins,

J. Barnes,

Beaman,

Brame,

Bridgers,

Messrs. Kelly,

Lea,

Lemmond,

Mangum,

Martin,

Brogden,	Murphy,
Burgin,	McIntyre,
Caldwell,	McNeill,
Clayton,	Phifer,
Collins,	Regan,
Cunningham,	Reinhardt,
Dunn,	Richardson,
Ellis,	Roane,
Emerson,	H. Robinson,
Fagg,	Sanders,
Fleming,	Scales,
Gambill,	Shaw,
Gatling,	Stone,
Graves,	Taliafero,
Grist,	White,
Hawkins,	Wilder,
Hayes,	N. L. Williamson,
Jones,	R. P. Williamson,
Kirk,	N. Wilson.—48.

Mr. Kirk, from the Committee appointed to conduct this election, reported that Mr. Gaither had received a majority of the whole number of votes, and that he was duly elected.

The report was concurred in.

Mr. Haughton introduced a Bill for the relief and benefit of Orphans.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Fleming introduced a Homestead Bill.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. McNair presented a petition from the Officers of the 93d Regiment of Militia.

Which was, on his motion, referred to the Committee on Military Affairs.

Mr. T. H. Robinson presented a Bill for the establishment of a Board of Agriculture.

Which was read the first time and passed, and referred to the Committee on Agriculture.

Mr. Taliafero presented a memorial from the Officers of the 73d Regiment of Militia.

Which was referred to the Committee on Military Affairs.

Mr. Clayton, a petition from sundry citizens of Henderson County, on the subject of Free Schools.

Which was referred to the Committee on Education.

Mr. Regan introduced a Bill to prevent frivolous and malicious Prosecutions.

Which was read the first time and passed, and referred, on motion of Mr. Guthrie, to the Committee of the whole House, and made the order of the day for Monday next.

Mr. Lord presented a petition of sundry citizens, praying that Martin Josey be appointed a Justice of the Peace in Capt. Shinn's District.

This petition was read and laid on the table.

On motion of Mr. Moore,

Resolved, That the use of the Commons Hall, on Monday evening next, be granted to the North Carolina Bible Society.

The House adjourned until to-morrow morning 10 o'clock.

SATURDAY, Nov. 30, 1844.

Messrs. Hayes, Keener, Fleming, Mills and Gambill, were appointed on behalf of this House, the Joint Select Committee on Cherokee Land Bonds.

Mr. Davis introduced a Bill to extend the time for registering Grants, Deeds, Mesne Conveyances, Bills of Sale and Deeds of Gift.

Which was read the first time and passed.

Mr. Graves, a Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Lord, from the Committee on Propositions and Grievances, reported without amendment, the Bill to cede a portion of Rutherford County to the County of Henderson; when the said Bill was read the second time and passed.

Mr. Lord, from the same Committee, to whom the petition of Jorial Barnett was referred, reported a Resolution in favor of Jorial Barnett.

Which was read the first time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the petition of David Pennington, and asked that the Committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. T. Wilson, from the Committee on Claims, reported favorably on the Resolution in favor of Leonard Ziglar; when the same was read the second time and passed.

Received from the Senate a message, proposing to raise a Joint Select Committee of three on the part of each House, for the purpose of inquiring into the expediency of laying before Congress the subject of re-building the Branch Mint at Charlotte, in this State.

The proposition was agreed to, and Messrs Kirk, Harris and Rankin were appointed said Committee on the part of this House.

A message from the Senate, informing that Messrs. Dockery, Francis, Cameron, Wilson, Thompson, of Bertie, Walker and Biggs compose their branch of the Joint Committee of Finance.

A message from the Senate, proposing to raise a Joint Select Committee on the subject of changing the location of the Court House in the County of Lincoln—said Committee to consist of five members on the part of each House.

The proposition was agreed to.

Mr. Hamrick presented a petition on the subject of the dividing line between the Counties of Rutherford and Cleaveland.

Which was referred to the Committee on Propositions and Grievances.

Mr. George presented a Bill, to establish a new County by the name of Williams.

Which was read the first time and passed.

Mr. Roane, a Resolution in favor of William Dills, of Macon County.

Which was read the first time and passed, and on motion of Mr. Keener, referred to the Committee on Private Bills.

Mr. Moore, from the Committee on the Judiciary, reported with certain amendments, the Bill to amend the Revised Statutes concerning Clerks and Registers.

Said Bill was read, and on motion of Mr. Mebane, laid on the table.

The Bill to establish a new County by the name of Graham, was, on motion of Mr. Reid, taken up and referred to the Committee of Propositions and Grievances.

Mr. Church and Mr. Kirk, presented sundry papers and petitions relating to the establishment of this county, which were, on their motions, referred to the Committee on Propositions and Grievances.

Mr. Trull presented a Resolution for the establishment of a new Regiment of Militia in the County of Union.

Which was referred to the Committee on Military Affairs.

Received a message from the Senate, agreeing to the proposition of this House, to raise a Joint Select Committee of two, on the part of each House, to take into consideration the communication yesterday submitted to this House by Weston R. Gales, Esq. Intendant of Police of the City of Raleigh, and informing that Messrs. Lindsay and Speight form their branch of said Committee.

A message from the Senate disagreeing to the several propositions of this House, to raise a Joint Select Committee on so much of the Governor's message as relates to the Rail Roads and their financial connexion with the State.

Also, to the proposition to raise a Joint Select Committee on so much of said Message as relates to Asylums for the Insane, Deaf and Dumb.

Also, to the proposition to raise a Joint Select Committee on that part of the Message relating to a Penitentiary.

And also disagreeing to the proposition of this House, to raise a Joint Select Committee on that portion of the Message relating to enclosing the Capitol Square.

Mr. Moore presented the following Resolutions, which were read and agreed to :

Resolved, That so much of the Governor's Message as relates to Rail Roads, and their financial connexion with the State, be referred to a Select Committee of six members.

That so much thereof as relates to a Penitentiary, be referred to a Select Committee of three.

That so much thereof as relates to enclosing the Capitol Square, be referred to a Select Committee of four. And

That so much of said Message as relates to an Asylum for the Insane, Deaf and Dumb, be referred to a Select Committee of three members of this House.

Mr. Reid presented a petition from sundry citizens, in relation to the proposed new County of Graham.

Which was referred to the Committee on Propositions and Grievances.

Mr. Hayes presented the petition of Renselaer B. Smith, praying to be paid the amount of a specie certificate issued by this State, in favor of Israel Campbell, for Revolutionary services in the year 1782.

Which was referred to the Committee on Claims.

Mr. Fleming presented sundry petitions of citizens of Yancy County, relating to the abolishing of the Jury Terms of their County Courts.

Which were referred to the Committee on the Judiciary.

The Resolution presented by Mr. Scales, in relation to the Indexes to the Colonial Documents, was, on motion of Mr. Graves, referred to the Committee on the Library.

The resignations of Josiah Settle, of Rockingham County, of A. Linville, of Stokes County, received from the Senate, and Willis Noble, of Pitt County, Justices of the Peace, were presented, read and accepted.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, DEC. 2, 1844.

The Speaker, under the Joint Rules of Order, appointed Messrs. Clayton, J. G. Dickson, Doak and Dunn a Committee on Enrolled Bills for the present week.

The following Committees were also appointed under previous orders of the House :

A Committee on the subject of an Asylum for the Insane, Deaf and Dumb, consisting of Messrs. Littlejohn, Phifer and Shaw.

A Committee on the subject of changing the location of Lincoln Court House, consisting of Messrs. Puryear, N. Wilson, Waddill, Foy and Hamrick.

A Committee on the subject of the communication of the Intendant of Police of the City of Raleigh, consisting of Messrs. Wilder and Brower.

And a Committee on the subject of a Penitentiary, consisting of Messrs. McLean, Sanders and Jackson.

Mr. Atkins presented a certificate from the County Court of Cumberland County, in favor of Martha Spears, a State pensioner, allowing an annual sum of fifty dollars.

Which was ordered to be countersigned by the Speaker of this House, and transmitted to the Senate.

Mr. Mills, from the Committee on Finance, reported a Bill to amend the 9th Section of the Revised Statutes, entitled an Act concerning the Comptroller, with an amendment.

The said Bill was thereupon read the second time, amended and passed.

Mr. Brogden introduced a Bill, to prohibit the levying of Executions upon growing crops, until such crops are matured.

Mr. Scales, a Bill to prohibit the levying of Executions upon growing crops.

And Mr. Moore, a Bill to locate the residences of the Judges of the Superior Courts hereafter to be elected.

These Bills were read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Adams, from the Joint Select Committee raised on the subject of counting and comparing the votes given at the last election for Governor of the State, reported the following Resolution, which was read and adopted, and ordered to be transmitted to the Senate, viz :

Resolved, That the two Houses of the General Assembly shall assemble in the Hall of the House of Commons, on Thursday, the 5th day of December 1844, at 12 o'clock ; that one member shall be appointed Teller on the part of the Senate, and two on the part of the House of Commons, to make a list of the votes for Governor of the State of North Carolina, as they shall be declared ; that the result shall be delivered to the Speaker of the Senate, who shall announce to

the two Houses assembled as aforesaid, the state of the vote, and the person elected, if it shall appear that a choice has been made, agreeably to the Constitution of the State; which communication shall be deemed a sufficient declaration of the person elected, and together with a list of the votes, shall be entered on the Journals of the two Houses.

Mr. Wilder presented a petition from James G. Mitchell, of Wake County, praying compensation for Military services rendered by him during the year 1812.

Which was read and referred to the Committee on Claims.

Mr. Hawkins presented the annual Report of Robert W. Haywood, Adjutant General of the Militia of North Carolina.

Which, on motion of Mr. Ehringhaus, was laid on the table.

Mr. Hawkins presented a Resolution in favor of William T. Bain.

Which was read the first time, passed, and referred to the Committee on Claims.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill, to authorize William Bland, of Chatham County, to construct a Dam across Haw River, and to erect a Mill thereon.

Said Bill was, on motion of Mr. Haughton, postponed to Monday week next, and made the order of the day for that day.

Mr. White presented a Petition from sundry citizens, accompanied by a Bill to carry their prayer into effect, authorizing the County Court of Lincoln County, to exercise exclusive jurisdiction over the public road which is the dividing line between the Counties of Lincoln and Cleveland.

The said Bill was read the first time, passed, and referred to the Committee on Private Bills.

Mr. Mills presented a Memorial from sundry citizens of the County of Rutherford, protesting against annexation to the County of Cleveland.

Which was referred to the Committee on Propositions and Grievances.

The Bill to establish a new County by the name of Williams was read, and referred to the Committee on Propositions and Grievances.

The Bill to amend the Revised Statutes concerning Executions;
The Resolution in favor of Leonard Ziglar;

Were each read the third time, passed, and ordered to be Engrossed.

The Resolution in favor of Jorial Barnett, was read the second time and passed.

The Bill to annex a portion of Rutherford County to the County of Henderson, was, on motion of Mr. Caldwell, made the order of the day for Wednesday next.

The Bill to prevent frivolous and malicious prosecutions, heretofore made the special order for this day, was, on motion of Mr. Poindexter, postponed and made the order of the day for Saturday next.

The Bill to extend the time for registering grants, deeds of mesne conveyance, bills of sale, and deeds of gift, was referred to the Committee on the Judiciary.

Received from the Senate a message, informing that they were ready to proceed to the execution of the Joint Order of the two Houses and to vote for a Judge of the Supreme Court, and that Messrs. Cameron and Joyner form their branch of the Committee to superintend the Election.

Ordered, that the Senate be informed that this House is also ready to go into said Election immediately, and that Messrs. Mebane and Brame compose our branch of said Committee.

The Roll was called, and the House voted as follows:

FOR FREDERICK NASH.

Messrs. Speaker,

Adams,
Atkins,
D. A. Barnes,
J. Barnes,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,

Messrs. Jackson,

Jones,
Keener,
Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Mangum,
Martin,
Mebane,
Mills,
Mitchell,
Moore,

Clayton,	McIntyre,
Cochran,	McLean,
Collins,	McNair,
Credle,	Poindexter,
Cunningham,	Pratt,
Davis,	Prentiss,
W. Dickson,	Purveyar,
Doak,	Rankin,
Douthit,	Regan,
Dunn,	Reid,
Edwards,	Reinhardt,
Ehringhaus,	Richardson,
Emerson,	Roane,
Fagg,	T. Robinson,
Faucett,	Rush,
Foy,	Shaw,
Gambill,	Shepard,
Gee,	Smith,
George,	Stone,
Golding,	Street,
Graves,	Trull,
Grist,	Taliaferro,
Hackney,	Waddill,
Hamrick,	Washington,
Harris,	Watters,
Haughton,	Whitehurst,
Hawkins,	N. L. Williamson,
Hayes,	N. Wilson.—88.

FOR RICHMOND M. PEARSON.

Messrs. Barco,	Messrs. Phifer,
Beaman,	H. Robinson,
Davenport,	Sanders,
Fleming,	Scales,
Gatling,	Thrash,
Kelly,	White,
Miller,	Wilder,
Murphy,	R. P. Williamson,
McNeill,	T. Wilson.—19.
R. T. Paine,	

FOR LOUIS D. HENRY.

Messrs. Harrison and J. G. Dickson.

FOR WM. H. BATTLE.

Mr. Ellis.

FOR JOHN S. BAILEY.

Mr. Nixon.

Mr. Mebane, from the Committee appointed to superintend this election, reported that Frederick Nash had received a majority of the whole number of votes, and that he was duly elected a Judge of the Supreme Court of North Carolina.

The report was concurred in.

Received from the Senate a message, concurring in the Resolution reported by the Joint Select Committee, in relation to counting and comparing the votes cast for Governor.

A message from the Senate, informing that Messrs. Dockery, Wilson, Elliott, Pasteur and Cowper form their branch of the Joint Committee on Military Affairs; that Messrs. Stowe, Stallings, Francis, Woodfin and Waddell form their branch of the Committee on the subject of changing the location of the County seat of Lincoln County; and that Messrs. Worth, Walker and Stowe form their branch of the Committee on the subject of memorializing Congress in relation to rebuilding the Branch Mint at Charlotte.

Received a message from the Senate, informing that Messrs. David F. Caldwell, of Rowan, and Augustus Moore, of Chowan, are in nomination for the appointment of a Judge of the Superior Courts; that the Senate is now ready to proceed to said election, under the Joint Order of the two Houses; and that Messrs. Cowper and Waddell form their branch of the Committee on said election.

Ordered that the Senate be informed that this House is also ready to vote, and that Messrs. Ehringhaus and Ellis form our branch of said Committee.

The House then voted as follows:

FOR DAVID F. CALDWELL.

Messrs. Speaker,
 Adams,
 Brame,
 Brogden,
 Brower,
 Brown,
 Burgin,
 Caldwell,
 Calloway,
 Church,
 Clayton,
 Cochran,
 Credle,
 Davis,
 W. Dickson,
 Doak,
 Douthit,
 Ellis,
 Emerson,
 Fagg,
 Faucett,
 Fleming,
 Foy,
 Gambill,
 George,
 Golding,
 Grist,
 Hackney,
 Harris,
 Haughton,
 Hawkins,
 Hayes,
 Keener,

Messrs. Leathers,
 Littlejohn,
 Locke,
 Lord,
 Mebane,
 Miller,
 Mills,
 Moore,
 McLean,
 McNair,
 McNeill,
 Phifer,
 Poindexter,
 Pratt,
 Prentiss,
 Puryear,
 Reid,
 Reinhardt,
 Roane,
 T. Robinson,
 Rush,
 Smith,
 Street,
 Thrash,
 Trull,
 Waddill,
 Washington,
 Watters,
 White,
 Whitehurst,
 R. P. Williamson,
 N. Wilson.—65.

FOR AUGUSTUS MOORE.

Messrs. Atkins,
 Barco,
 D. A. Barnes,
 J. Barnes,
 Beaman,

Messrs. Lea,
 Lemmond,
 Mangum,
 Martin,
 Mitchell,

Bond,
 Bridgers,
 Cherry,
 Collins,
 Cunningham,
 Davenport,
 J. G. Dickson,
 Dunn,
 Edwards,
 Ehringhaus,
 Gatling,
 Gee,
 Graves,
 Guyther,
 Hamrick,
 Jones,
 Kelly,
 Kirk,

Murphy,
 McIntyre,
 Nixon,
 R. T. Paine,
 Rankin,
 Regan,
 Richardson,
 H. Robinson,
 Sanders,
 Scales,
 Shaw,
 Shepard,
 Stone,
 Taliafero,
 Wilder,
 N. L. Williamson,
 T. Wilson.—45.

FOR MR. VENABLE.

Mr. Harrison.

Mr. Ehringhaus, from the Committee on this election, reported that David F. Caldwell had received a majority of the whole number of votes, and that he was duly elected a Judge of the Superior Courts of Law and Equity.

The report was concurred in.

The resignation of B. W. Hathaway, a Justice of the Peace for the County of Chowan, was presented, read and accepted.

The House then adjourned until to-morrow morning 10 o'clock.

TUESDAY, DEC. 3, 1844.

Mr. T. Wilson, from the Committee on Claims, reported with-

out amendment, the Resolution in favor of Wm. T. Bain, when the said Resolution was read the second time and passed.

Mr. T. Wilson, from the same Committee, reported unfavorably on the petition of James G. Mitchell, and asked to be discharged from the further consideration of the subject.

The report was agreed to.

Mr. T. Wilson, from the same Committee, reported a Resolution in favor of Harry Addington.

Which was read the first time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill concerning Edenton Academy, when the said Bill was read the second time and passed.

James M. Bullock, one of the members elect from the County of Granville, appeared, exhibited his credentials, and was qualified according to law.

Mr. Caldwell presented a Bill to annex a part of Rutherford County to the County of McDowell.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the Bill to establish a new County by the name of Graham, when the said Bill was, on motion of Mr. Reid, laid on the table.

Received from the Senate the following Pension Certificates, viz:

From the County Court of Craven, in favor of John Rhem, allowing him a pension for the years 1843 and 1844, of one hundred dollars per annum.

And in favor of Thomas Ewell, allowing him in like manner fifty dollars.

From the County Court of Mecklenburg, in favor of Martha Thompson, allowing her in like manner fifty dollars.

And from the County Court of Iredell, a certificate in favor of Ann Patterson, widow of John Patterson, allowing her a pension of thirty dollars and fifty cents, for the year 1844.

These certificates were all read, and ordered to be countersigned by the Speaker of this House, and returned to the Senate.

Mr. Washington presented the pension certificate from Craven County, in favor of Alexander Taylor, allowing him a pension of fifty dollars, for the year 1844.

Which was read and ordered to be countersigned by the Speaker of this House, and transmitted to the Senate.

Received a message from the Senate, informing that Messrs. Worth, Walker and Stowe form their branch of the Joint Select Committee on the subject of rebuilding the Branch Mint at Charlotte;

And that Messrs. Hester, Jeffreys and Smith form their branch of the Committee on the Library.

The resignation of John Matier, of Rockingham County, a Justice of the Peace, was read and accepted.

Mr. Lord, from the Committee on Propositions and Grievances, to whom was referred the memorial of sundry citizens of Ocracoke, reported a Bill concerning Hyde County.

Which was read the first time and passed.

Mr. Ehringhaus introduced a Bill concerning Sheriffs and Constables.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Wilder presented the following Resolution, which was read and adopted:

Resolved, That the Door-keeper of this House be directed to procure the Maps of the State of North Carolina, belonging to this House, for the use of the House of Commons.

The Speaker appointed Messrs. Mebane, Wilder, Haughton, Cherry, Nixon, and Martin, to compose the Select Committee yesterday raised on the subject of the Rail Roads of this State;

And Messrs. Shepard, Waddill, Bridgers, and Washington to compose the Select Committee on the subject of enclosing the Capitol Square.

Mr. Hayes presented a Petition from sundry citizens of Cherokee County, in relation to their purchases of Cherokee Lands.

Said Petition was referred to the Committee on Cherokee Lands.

Received from His Excellency, the Governor, by his Private Secretary, Mr. Reynolds, a communication transmitting the Official returns of the votes cast for Electors of President and Vice President of the United States.

The communication was read, and on motion of Mr. Moore, ordered to be sent to the Senate, with a proposition that it be printed.

Mr. Moore presented a Bill to make Real Estate Assets.

Which was read the first time, passed and referred to the Committee on the Judiciary.

The Bill to amend the Revised Statutes concerning Clerks and Sheriffs, was called up by Mr. Mebane, read the second time, amended and passed.

Mr. Whitehurst presented a Petition for the division of one of the Wreck districts in Carteret County.

Which was referred to the Select Committee on Wrecks.

Mr. Thrash presented a Petition from Thomas Paine, of Buncombe County, praying the Emancipation of certain Slaves therein named.

Which was referred to the Committee on Propositions and Grievances.

Mr. Wilder, from the Joint Select Committee, raised on the Letter of the Intendant of Police of the City of Raleigh, tendering the use of the Bell belonging to the Town Clock, made a report, recommending that the same be accepted, and used during the remainder of the Session, as a signal for the meeting of the General Assembly.

Mr. George presented sundry papers, relating to the establishment of a new County by the name of Williams.

Which were referred to the Committee on Propositions and Grievances.

Mr. Miller presented a Bill on forms of criminal pleading.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

On motion of Mr. T. Wilson,

Ordered, That the Door-keeper of the House of Commons, be directed to ring the Bell, every morning, twenty minutes before the arrival of the hour to which the House had adjourned.

The resignation of Nathaniel Torian, a Justice of the Peace of the County of Person, was presented, read and accepted.

The Bill to amend the ninth section of the Revised Statutes, entitled an Act concerning the Comptroller;

And the Resolution in favor of Jorial Barnett;

Were each read the third time, passed, and ordered to be En-grossed.

Mr. Moore introduced a Bill in addition to the Revised Statutes, entitled Wills and Testaments, to amend the same, and to repeal a part of the fifteenth section of the Revised Statutes, entitled "Lands of Deceased debtors."

Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Moore presented a Bill, concerning Final Process in actions of Detinue ;

And Mr. Fagg presented a Bill, to give exclusive jurisdiction to the Superior Courts of the Counties of Cherokee, Macon, Haywood, Henderson, and Buncombe, where the intervention of a Jury shall or may be necessary.

These Bills were read the first time, passed, and referred to the Committee on the Judiciary.

Mr. T. Wilson presented the following Resolution :

Resolved, That the use of the Hall of the House of Commons be, and the same is hereby tendered to the College of Electors, which assemble on to-morrow in the Capitol, for the purpose of casting the votes of the State of North Carolina for President and Vice President of the United States; and that a Committee of three be appointed by the Chair, to announce this decision to the College; and that when the House adjourns this evening, it adjourn until Thursday morning 10 o'clock.

This Resolution was read, and on Mr. T. Wilson's motion, laid on the table.

The House then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, DEC. 4, 1844.

Mr. Douthit presented a Bill to appoint Commissioners for the Town of Clemmons ville, in Davidson County.

Which was read the first time, passed, and referred to the Committee on Private Bills.

Mr. Caldwell presented a Bill to incorporate the Town of Marion, in McDowell County.

Which was read the first time, passed, and referred to the Committee on Propositions and Grievances.

Mr. Fagg, a Bill to amend the law relative to prosecutions in State cases.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Lord, from the Committee on Propositions and Grievances, reported with certain amendments, the Bill to annex a part of Rutherford County to the County of McDowell; when the said Bill was read the second time, amended and passed.

Mr. Poindexter, from the Committee on the Judiciary, reported without amendment, the Bill to extend the time for registering Grants, Deeds of Mesne Conveyance, Bills of Sale, and Deeds of Gift.

When the said Bill was read the second time and passed.

Mr. Gambill introduced a Bill, for an appropriation for a Public Road in Wilkes County.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Brower, a Resolution in favor of John Hill and others.

Which was read the first time, amended and passed, and referred to the Committee on Propositions and Grievances.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petition of Thomas Paine, of Buncombe County, praying the emancipation of certain Slaves; and asked that the Committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. D. A. Barnes, from the Committee on Private Bills, reported with certain amendments, the Bill concerning New River; when the same was read the second time, amended, and passed.

Mr. Roane presented a Resolution in favor of Securities to Bonds of Purchasers of Cherokee Lands, in 1836.

Which was read, and referred to the Committee on Cherokee Bonds.

Mr. Mills presented a petition from sundry citizens of the Counties of Rutherford, Burke, Catawba and Cleaveland, praying the erection of a new County by the name of Mangum.

Which was referred to the Committee on Propositions and Grievances.

Mr. Caldwell presented a memorial from sundry citizens of the County of Burke, protesting against any further curtailment of

her limits, by the establishment of new Counties; which was referred to the Committee on Propositions and Grievances.

Mr. Hamrick presented a petition from sundry citizens of Cleaveland County, protesting against the establishment of a new County out of a portion of the said County of Cleaveland, in the manner proposed.

Which was referred to the Committee on Propositions and Grievances.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the Bill to establish a new County by the name of Williams.

When the same was read, and on motion of Mr. George, ordered to lie on the table.

Mr. Ehringhaus presented a memorial from certain Officers of the 4th Regiment of Militia, suggesting alterations in the Militia Laws.

Which was referred to the Committee on Military Affairs.

The Bill concerning Hyde County, and the Resolution in favor of Henry Addington, were each read the second time and passed.

The Bill to cede a portion of Rutlerford County to the County of Henderson;

And the Bill concerning Edenton Academy,

Were each read the third time and passed, and ordered to be Engrossed.

The resignation of Oliver Herring, as a Justice of the Peace of the County of Lenoir, was presented, read and accepted.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, DEC. 3, 1844.

Messrs. Guthrie and Cunningham were appointed the Joint Se-

lect Committee on the part of the Commons, to count and compare the votes given at the last election, for Governor of the State.

On motion of Mr. Moore,

Ordered, That the communication of His Excellency, the Governor, recently made to this House, transmitting the Returns of Votes given for President and Vice President of the United States, be referred to the Committee on the Judiciary.

Mr. Atkins presented a Bill concerning Crimes and Punishments.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Received a message from the Senate, informing that they had passed the Engrossed Bill, to cede to the United States a certain Tract of Land lying on the Island of Portsmouth, Carteret County, for the purpose of erecting a Marine Hospital thereon; and asking the concurrence of this House in the passing of said Bill.

The said Bill was read the first time, passed, and on motion of Mr. Washington, by unanimous consent, the same was read the second and third times, passed, and ordered to be Enrolled.

A message from the Senate, informing that they had passed the Engrossed Bills to protect the Public Bridges in Tyrrell and Washington Counties; and the Bill to incorporate the Franklinsville Guards, in the County of Randolph; and asking the concurrence of this House.

The said Bills were read the first time and passed.

Mr. Fagg presented a Bill, to establish a Public Road in the County of Buncombe, and to make an appropriation therefor.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

The Speaker laid before the House, the memorial of Francis E. Rives, of Virginia, praying for a charter, by which he may be permitted to charge on the Rail Road between Weldon and Margaretsville, the same per mile as allowed to be charged on the Portsmouth and Roanoke Rail Road.

On motion of Mr. Cherry, the reading of the memorial was dispensed with.

Mr. Cherry moved that the said memorial be referred to the Committee on Internal Improvement.

Mr. Haughton moved that the further consideration of the same be postponed indefinitely.

Mr. Atkins moved that the said memorial lie on the table.

Pending this last question, Mr. Shepard, of Wake, being entitled to the floor, the Chair announced the arrival of the hour at which by a concurrent order, the two Houses had determined to count and make a list of the votes cast for Governor at the last August Election.

Whereupon, a message was sent to the Senate, informing that body of the readiness of this House to receive the members of the Senate in the Hall of the Commons, for the purpose of examining, comparing and listing the returns of the votes given by the People, at the last August Election, for Governor of this State.

The two Houses thereupon assembled in General Convention, in the Commons Hall—Hon. B. S. Gaither, Speaker of the Senate, presiding as President of the Convention.

When the Clerks of the two Houses, in the presence of the Joint Select Committee, as Tellers, viz: Alfred Dockery, of the Senate, John S. Guthrie and John W. Cunningham, of the Commons, proceeded to examine the several Returns of the Sheriffs, and to declare the number of votes given in the several Counties of the State, as follows:

COUNTIES.	FOR WM. A. GRAHAM.	FOR MICHAEL HOKE.
Anson	1073	506
Ashe	561	499
Beaufort	887	489
Bertie	507	409
Bladen	271	499
Brunswick	325	311
Buncombe	875	496
Burke	1263	309
Cabarrus	751	477
Caldwell	544	260
Camden	518	94
Carteret	454	332
Caswell	277	1088
Chatham	1153	794
Cherokee	382	241

COUNTIES.

FOR WM. A GRAHAM. FOR MICHAEL HOKK.

Chowan	286	188
Cleveland	336	720
Columbus	180	342
Craven	681	622
Cumberland	603	1070
Currituck	137	485
Davidson	911	658
Davie	508	354
Duplin	248	866
Edgecomb	118	1410
Franklin	361	710
Gates	359	381
Granville	976	985
Greene	253	199
Guilford	1920	463
Halifax	389	378
Haywood	370	328
Henderson	565	206
Hertford	308	269
Hyde	401	189
Iredell	1527	379
Johnston	689	585
Jones	195	153
Lenoir	198	356
Lincoln	911	1773
Macon	393	285
Martin	316	523
Mecklenburg	808	1242
Montgomery	586	107
Moore	584	513
Nash	70	796
New Hanover	283	1101
Northampton	514	362
Onslow	179	553
Orange	1756	1555
Pasquotank	593	177
Perquimone	866	217
Person	287	622
Pitt	607	441
Randolph	1082	318
Richmond	678	113
Robeson	559	599
Rockingham	449	281

COUNTIES.	FOR WM. A. GRAHAM.	FOR MICHAEL HOKE.
Rowan	809	736
Rutherford	1402	436
Sampson	461	727
Stanly	541	81
Stokes	1105	1165
Surry	1032	1023
Tyrrell	311	137
Wake	1073	1271
Warren	127	716
Washington	368	136
Wayne	217	846
Wilkes	1333	467
Yancy	310	615
	<hr/> 42,586	<hr/> 39,433

Majority for William A. Graham, 3,153.

The President then announced the result in the following words:

*"Gentlemen of the Senate,
and of the House of Commons :*

The returns of votes given at the late Election, on the first Thursday in August last, for Governor of this State, have been opened and published according to law, in the presence of a majority of the members of both Houses of the General Assembly.

The Tellers appointed by both Houses, to examine the returns, and make a list of the votes, have reported that forty-two thousand, five hundred and eighty-six (42,586) votes were given for Wm. A. Graham, of the County of Orange, being the highest number of votes given for any person ; And that thirty-nine thousand, four hundred and thirty-three (39,433) votes were given for Michael Hoke, of Lincoln County.

No objection being made to the said report, I declare that Wm. A. Graham, of the County of Orange, is duly elected Governor of the State of North Carolina, for two years from the first day of January, 1845.

BURGES S. GAITHER,

December 5th, 1844.

The Senators having withdrawn from the Hall, the Speaker of the House of Commons resumed the Chair; and Mr. Shepard having yielded the floor,

The House, on motion of Mr. Guthrie, adjourned until to-morrow morning 10 o'clock.

FRIDAY, DEC 6, 1844.

Mr. Moore, from the Committee on the Judiciary, reported without amendment, the Bill concerning Final Process in actions of Detinue.

When said Bill was read the second time and passed.

The resignations of John P. Clingman and Joshua Patterson, Justices of the Peace of the County of Surry, were presented, read and accepted.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Resolution in favor of William Dills, of Macon County.

Which was read the second time and passed.

Mr. D. A. Barnes, from the same Committee, reported unfavorably on the Bill to appoint Commissioners for the town of Clementsville, in Davidson County.

When said Bill was read the second time and rejected.

Mr. Lord, from the Committee on Propositions and Grievances, reported with sundry amendments, the Bill to incorporate the Town of Marion, in McDowell County.

When said Bill was read the second time, amended and passed.

Mr. Trull introduced a Bill, to incorporate the Town of Monroe, in the County of Union; and

Mr. Miller, a Bill to amend an Act for the better regulation of the Town of Mocksville, in Davie County.

These Bills were read the first time and passed, and severally referred to the Committee on Propositions and Grievances.

Received a message from the Senate, informing that they had passed the following Engrossed Bills :

A Bill to attach a portion of the 69th Regiment to the 68th Regiment ;

A Bill to alter the mode of appointing Constables in Tyrrell County ;

And asking the concurrence of this House.

The said Bills were read the first time and passed.

Mr. Roane presented a Resolution in favor of Eli McKee.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Mebane presented a memorial from sundry citizens of the County of Orange, praying a repeal of the law authorizing the people to elect Constables ; and that the election of said Officers be again committed to the several County Courts.

Said memorial was referred to the Committee on Propositions and Grievances.

Mr. Lord from the Committee on Propositions and Grievances, reported unfavorably on the petition of sundry citizens of the Counties of Burke, Rutherford, Catawba and Cleaveland, praying the erection of a new County by the name of Mangum.

Said report was read and concurred in.

Mr. Cherry presented the petition of John D. Hawkins, of Franklin County, praying a release on the part of the State, of their title to a Lot in the Town of Henderson, formerly the property of P. E. A. Jones ;

And Mr. Puryear the Petition of Richard Cox, of Surry County, praying license be granted him to peddle Goods free of Tax.

These Petitions were referred to the Committee on Propositions and Grievances.

Mr. Thrash presented a Bill, to amend the first clause of the sixth of the Revised Statutes, chapter first, extending the jurisdiction of Justices of the Peace.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Fagg presented a petition from sundry citizens of Buncombe County, praying the erection of a new County, out of portions of Buncombe and Yancey Counties, by the name of Warm Spring.

Which was read and referred to the Committee on Propositions and Grievances.

Mr. T. Wilson presented the following Resolution :

Resolved, That the Committee on Education be instructed to enquire into the expediency of appointing a Superintendant of Common Schools, for each of the Congressional Districts, and of defining the duties of said Superintendant, so that the requirements of the present School Law may be carried out, and that they report by Bill or otherwise.

This Resolution was read and rejected.

Mr. Mills presented a Bill, to revive and continue in force an Act passed in the year 1841, entitled an Act, to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the widow Sail's, in Buncombe County.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Watters presented a Resolution founded on a Petition relating to Smithville, in Brunswick County.

Which was read the first time, passed, and referred to the Committee on Propositions and Grievances.

Mr. Washington presented a Petition from sundry citizens of Craven County, praying that additional restrictions by law, may be imposed on Peddlars.

Which was referred to the Committee on Propositions and Grievances.

Received from His Excellency, the Governor, by his Private Secretary, the Report of the President and Directors of the Literary Fund of North Carolina.

Which, on motion of Mr. Guthrie, was ordered to be transmitted to the Senate, with a proposition that the same be printed.

The Speaker laid before the House the report of S. F. Patterson, President of the Raleigh and Gaston Rail Road Company, upon the condition and affairs of said Corporation.

Which was ordered to be sent to the Senate, with a proposition that it be printed.

Mr. Cochran presented a petition from sundry citizens of Montgomery County, praying that certain persons therein named may be appointed Justices of the Peace.

Which was read and referred to the Committee on Propositions and Grievances.

Mr. Reid presented a Bill concerning the election of Constables in the County of Iredell.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

On motion of Guthrie,

Resolved, That a Committee be appointed to enquire into the expediency of selling the lands belonging to the State, which are situated in the City of Raleigh; and that they have leave to report by bill or otherwise.

Mr. Washington, from the Committee on the Judiciary, reported unfavorably on the Bill to amend the law relative to Prosecutions in State cases.

Mr. Fagg moved that the said Bill lie on the table.

This motion did not prevail, and the question, "Shall this Bill pass its second reading?" was decided in the negative—Yeas 14, Nays 94.

The Yeas and Nays demanded by Mr. Church.

Those who voted in the affirmative, were

Messrs. Beaman,
Bullock,
Caldwell,
Church,
Fagg,
Fleming,
Gambill,

Messrs. Keener,
Mangum,
McNair,
Pratt,
Regan,
Roane,
White.—14.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Bond,
Brame,
Bridgers,
Brogden,

Messrs. Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Martin,
Mebane,
Miller,
Mills,

Brower,	Mitchell,
Brown,	Moore,
Burgin,	Murphy,
Calloway,	McIntyre,
Cherry,	McLean,
Clayton,	McNeill,
Cochran,	Nixon,
Collins,	Odom,
Credle,	R. T. Paine,
Cunningham,	Perkins,
Davenport,	Poindexter,
Davis,	Prentiss,
W. Dickson,	Purveyer,
J. G. Dickson,	Rankin,
Doak,	Reid,
Douthit,	Reinhardt,
Dunn,	Richardson,
Ellis,	H. Robinson,
Emerson,	T. Robinson,
Faucett,	Rush,
Foy,	Sanders,
Gatling,	Scales,
Gee,	Shaw,
George,	Shepard,
Golding,	Smith,
Graves,	Stone,
Grist,	Street,
Guthrie,	Taliafero,
Hackney,	Thrash,
Hamrick,	Trull,
Harris,	Washington,
Harrison,	Watters,
Hawkins,	Whitehurst,
Hayes,	N. L. Williamson,
Jackson,	R. P. Williamson,
Jones,	N. Wilson,
Kelly,	T. Wilson,
Kirk,	Woodward.—94.

The resignation of Thomas Lasater, as a Justice of the Peace of the County of Chatham, was presented, read and accepted.

Received a message from the Senate, agreeing to the proposition of the House of Commons, to print the Message of His Excellency, the Governor, with the accompanying Report from the

Literary Board; and also to print the communication of S. F. Patterson, President of the Raleigh and Gaston Rail Road Company, with his Report in relation to the receipts and expenditures of said Road.

A message from the Senate, proposing that the two Houses shall, on to-morrow at 12 o'clock, proceed to the election of seven persons as Councillors of State.

The proposition was concurred in.

The House then proceeded to the orders of the day, and resumed the consideration of the question pending on the adjournment of the House yesterday; the same being on the motion made by Mr. Atkins, that the memorial of Francis E. Rives lie on the table.

The motion of Mr. Atkins was by him withdrawn, when Mr. Guthrie moved that the said memorial be laid on the table till the 4th of March next.

The question on this motion, was decided in the affirmative—Yeas 58, Nays 53.

The Yeas and Nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs. Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Dunn,
Ellis,
Emerson,

Messrs. Hackney,
Hayes,
Keener,
Leathers,
Littlejohn,
Locke,
Mebane,
Miller,
Mills,
Moore,
Murphy,
McLean,
McNair,
Phifer,
Poindexter,
Prentiss,
Puryear,
Regan,
Reid,
Reinhardt,

Fagg,
Faucett,
Foy,
Gambill,
George,
Golding,
Grist,
Guthrie,
Guyther,

Roane,
T. Robinson,
Rush,
Smith,
Thrash,
Trull,
Watters,
R. P. Williamson,
T. Wilson.—58.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Cherry,
Collins,
Cunningham,
J. G. Dickson,
Fleming,
Gatling,
Gee,
Graves,
Hamrick,
Harris,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,
Lord,

Messrs. Mangum,
Martin,
Mitchell,
McIntyre,
McNeill,
Nixon,
Odom,
R. T. Paine,
Perkins,
Pratt,
Rankin,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Street,
Taliaferro,
Washington,
White,
Whitehurst,
N. L. Williamson,
N. Wilson,
Woodward.—53.

The Speaker announced the appointment of the following Select Committee, raised on the Resolution relating to selling the

lands owned by the State in the City of Raleigh, viz : Messrs. Guthrie, Gee, Hackney, Woodward and Mangum.

Mr. Moore, from the Committee on the Judiciary, reported with sundry amendments, the Bill concerning Sheriffs and Constables, when the same was, on motion of Mr. D. A. Barnes, laid on the table.

Mr. Lord presented a Bill to amend an Act, to incorporate the President, Directors and Company of the Yadkin Toll Bridge.

Which was read the first time and passed, and referred to the Committee on Private Bills.

The House adjourned until to-morrow morning 10 o'clock.

SATURDAY, DEC. 7, 1844.

Mr. Guthrie, from the Committee on the Library, reported unfavorably on the Resolution concerning the printing of Colonial Documents.

When the same was read the second time and rejected.

Mr. Guthrie, from the same Committee, reported the following Resolution :

Resolved, That the Librarian cause to be printed for the use of the present General Assembly, a catalogue of all the Books in the State Library.

This resolution was read and rejected.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill to keep open French Broad and Tennessee Rivers.

When said Bill was read the second time, and passed.

Mr. D. A. Barnes, from the same Committee, reported without amendment, the Bill authorizing the County Court of Lincoln, to exercise exclusive jurisdiction over the Public Road, which is the dividing line between the Counties of Lincoln and Cleaveland.

When the said Bill was read the second time and passed.

Mr. J. Barnes presented the following Resolution :

Resolved, That the Committee on the Judiciary, be instructed to inquire into the expediency of so amending the Law, that Witnesses shall not be compelled to pay any Cost in Court, where they have been called out and fined for their absence. *Provided*, they appear at the next Term of said Court, and make it appear that they were detained from sickness or some other inevitable cause, and that they report by Bill or otherwise.

This Resolution was read and rejected.

Mr. Ellis, from the Committee on Privileges and Elections reported unfavorably on the Resolution vacating the seat of John McNeill as a member of this House from the County of Robeson.

The said Report and Resolution were, on motion of Mr. Caldwell, ordered to lie on the table.

Mr. Moore, from the Committee on the Judiciary, reported the Bill to give exclusive jurisdiction to the Superior Courts of the Counties of Cherokee, Macon, Haywood, Henderson and Buncombe, where the intervention of a Jury shall or may be necessary, with an amendment.

The amendment was concurred in, and the said Bill read the second time as amended, and passed.

Mr. Moore, from the same Committee, reported the Bill to abolish the Jury Term of the County Courts of Yancy County, and moved that the same lie on the table.

The question thereon was determined in the affirmative.

On motion of Mr. Mills,

Resolved, That a message be sent to the Senate, proposing that a Committee of one on the part of the Senate, and two on the part of the

House of Commons, be appointed to inform the Hon. Wm. A. Graham, of his election as Governor of the State of North Carolina, for two years from the first of January next, and to ascertain from him when it will suit his convenience to appear before the two Houses of this General Assembly, and take the oaths of office.

On motion of Mr. Shepard,

Ordered, That a message be sent to the Senate, informing that the following persons are in nomination for the appointment of Councillors of State, viz: Gabriel Holmes, of New Hanover County, James Watt, of Rockingham, Henry Fitts, of Warren, Alexander W. Mebane, of Bertie, David Watson, of Chatham, David Reid, of Cumberland, Henry W. Connor, of Lincoln, Richard O. Britton, of Bertie, James W. Howard, of Jones, Willie Perry, of Franklin, Nathaniel M. Roane, of Caswell, Absalom Myers, of Anson, Josiah Cowles, of Surry, and James Lowry, of Buncombe.

Mr. Lord from the Committee on Propositions and Grievances, to whom the subject was referred, reported a Bill to cede a portion of Rutherford County to the County of Cleveland.

When the said Bill was read the first time and passed.

Mr. Moore, from the Committee on the Judiciary, reported with sundry amendments the Bill for the relief of honest Insolvent Debtors.

The amendments were concurred in, and on motion, the said Bill, together with the report of the Committee, was ordered to be printed.

Mr. Credle presented a petition from sundry citizens of Hyde County, protesting against the annexation of a portion of Carteret County to the said County of Hyde.

Which was read, and on motion of Mr. Credle, laid on the table.

Received a message from the Senate, informing that Messrs. Halsey and Gwynn from their branch of the Committee to superintend the election of Councillors of State; and the hour of 12 o'clock having arrived, that they will proceed to vote on the return of the messenger.

Ordered that Messrs. Harris and Beaman superintend said election on the part of this House.

The Roll was called, and the following members voted for

R. O. BRITTON,
J. W. HOWARD,
W. PERRY,
N. M. ROANE,
A. MYERS,
J. COWLES,
J. LOWRY, viz :

Messrs. Speaker,

Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Harris,

Messrs. Hayes,

Jackson,
Keener,
Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Purveyar,
Reid,
Roane,
T. Robinson,
Rush,
Smith,
Street,
Thrash,
Trull,
Wasbington,
Watters,
Whitehurat,
T. Wilson.—68.

And the following members voted for

G. HOLMES,
J. WATT,
H. FITTS,
H. W. CONNOR,
A. W. MEBANE,
D. WATSON,
D. REID, viz :

Messrs. J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Cunningham,
J. G. Dickson,
Dunn,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Taliaferro,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
Woodward.—42.

And Mr. N. Wilson voted for the following persons, viz :

J. LOWRY,
N. M. ROANE,
J. HOLMES,
A. W. MEBANE,
D. WATSON,
J. WATT,
H. FITTS.

Mr. Harris, from the Committee appointed to conduct this election, reported that the following persons had received a majority of the whole number of votes, and that they were duly elected Councillors of State, viz :

Richard O. Britton,	Jas. W. Howard,
Willie Perry,	N. M. Roane,
A. Myers,	Josiah Cowles,
and James Lowry.	

The report was concurred in.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petition from Buncombe County, asking the erection of a new County by the name of Warm Spring ; and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported without amendment, the Resolution relating to Smithville, in Brunswick County, When the same was read the second time and passed.

Mr. Lord, from the same Committee, reported the Bill to incorporate the Town of Monroc, in the County of Union, with sundry amendments.

The amendments were agreed to, and the Bill read the second time and passed.

Mr. Lord, from the same Committee, reported the Bill to amend an Act for the better regulation of the Town of Mocksville, in Davie County, with an amendment.

Which was concurred in, and the Bill read the second time and passed.

Received from the Senate a message, concurring in the proposition of this House, to appoint a Joint Select Committee to inform Hon. Wm A. Graham, of his election as Governor of the State ; and that Mr. Waddell is their member of said Committee.

Ordered that Messrs. Mills and Jones compose this Committee on behalf of the Commons.

The report of Gen. Robert W. Haywood, Adjutant General of

the Militia of this State, heretofore laid on the table, was called up by Mr. Ehringhaus, and on his motion ordered to be transmitted to the Senate, with a proposition that it be printed.

Mr. R. T. Paine introduced a Resolution in favor of Thomas J. Roane, of Macon County;

And Mr. Brower, a Resolution in favor of Isaac White.

These were read the first time, passed and referred to the Committee on Private Bills.

Mr. Washington presented a Memorial from the Synod of North Carolina, praying the appointment of an Agent to procure from the Archives of the British Government, copies of such Papers as may serve to illustrate the History of the State.

This memorial was, on motion of Mr. Washington, referred to the Committee on the Library.

Mr. Moore presented a Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Received from His Excellency, the Governor, by his Private Secretary, a communication, transmitting sundry resignations of Justices of the Peace, received at the Executive Department since the last Session of the Legislature.

Ordered that said resignations be accepted, and sent to the Senate.

On motion of Mr. Moore,

Resolved, That the use of the Commons Hall be granted to the North Carolina Bible Society, on Monday evening next.

The House now proceeded to the orders of the day, and resolved itself into a Committee of the Whole, Mr. R. T. Paine in the Chair. And after some time spent therein, the Speaker resumed the Chair; and the Chairman reported that the Committee of the Whole had had under their consideration the Bill to prevent frivolous and malicious Prosecutions, and had made progress therein; and asked leave to sit again.

The report was concurred in, and leave granted to the Committee to sit again,

And on motion of Mr. Guthrie,

The House adjourned until Monday morning 10 o'clock.

MONDAY, DEC. 9, 1844.

The following members were appointed by the Speaker to compose the Committee on Enrolled Bills, for the present week, viz: Messrs. Atkins, Bond, Brower and Bullock.

Mr. Purycar presented a memorial from sundry citizens of the County of Iredell, against the erection of the County of Williams.

Which was ordered to lie on the table, with the other papers on the same subject.

Mr. Shepard presented the following Resolution, which was read and adopted:

WHEREAS, Mr. Whitaker, Editor of the Southern Quarterly Review, proposes to deliver a course of three Lectures before the Legislature, on the Common School system, and the Prussian system of Education —on the Newspaper Press of the United States, and the Periodical Press of the same: Therefore,

Resolved, That the use of the Hall of Representatives, on Tuesday, Wednesday and Thursday evenings of this week, be granted him for that purpose.

Mr. T. Wilson presented two affidavits of Priscilla Goodwin, of Perquimons County, relating to her Pension Certificate.

Which were referred to the Committee on Claims.

Mr. Moore, from the Committee on the Judiciary, reported without amendment the Bill to make Real Estate Assets.

When the same was ordered to be printed.

Mr. Moore, from the same Committee, reported the Bill to make Real Estate Assets in certain cases, without amendment; and on his motion, the same was laid on the table.

Mr. Calloway presented a Bill, to appoint Commissioners to lay off a Road in the County of Wilkes.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Ehringhaus presented a petition from sundry citizens of Pasquotank County, asking an appropriation for the improvement of the navigation of Pasquotank River.

Which was referred to the Committee on Internal Improvement.

Mr. McBane presented a Resolution in favor of James C. Turrentine;

And Mr. Mills a Resolution in favor of Michael Francis.

These Resolutions were read the first time and passed, and referred to the Committee on Claims.

Mr. Fagg presented a Bill, to authorize Samuel Chunn to establish a Toll Bridge over French Broad River, in the County of Buncombe.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Lord presented a memorial from the Commissioned Officers of the 64th Regiment of Militia, suggesting amendments in the Militia Laws.

Which was referred to the Committee on Military Affairs.

Mr. Adams presented a Bill, to prevent Betting on Elections.

Which was read the first time and passed.

Received a message from the Senate, informing that they had passed the following Engrossed Bills and Resolutions, and asking the concurrence of this House, viz :

A Bill to amend the 29th section, 31st chapter Revised Statutes ;

A Bill to amend the 5th section, 19th chapter Revised Statutes ;

A Bill to incorporate a Company of Cavalry in the Town of Wilmington, County of New Hanover ;

A Bill more effectually to suppress the offence of Trading with Slaves ;

A Bill to extend the provisions of an Act, passed at the session of the General Assembly of 1830, entitled an Act for the relief of such persons as may suffer from the destruction of the Records of Hertford County ;

A Resolution in favor of William Stringer, &c.

Resolution in favor of John L. Christian, of Montgomery.

These Bills and Resolutions were read the first time and passed.

The resignation of Henry Fowler as a Justice of the Peace for the County of Granville, was presented, read and accepted.

Mr. Lord from the Committee on Propositions and Grievances, made a report on the petition of sundry citizens of the County of Montgomery, praying the appointment of certain individuals as Justices of the Peace.

Which was read and agreed to.

On motion of Mr. Grist,

Resolved, That the Committee on Propositions and Grievances, be instructed to enquire into the expediency of making an appropriation for removing the obstructions in Pungo River, which obstructions were

caused by cutting the Canal to drain Pungo Lake, and that said Committee report by Bill or otherwise.

Mr. Prentiss introduced a Bill to incorporate the Newbern Mechanics Association.

Which was read the first time, passed, and referred to the Committee on Private Bills.

Received a message from the Senate, concurring in the proposition of this House, to print the Report of the Adjutant General of the Militia of the State.

A message from the Senate, proposing to set apart Saturday afternoon, 21st inst. for recommending and appointing Justices of the Peace.

This proposition was agreed to.

Mr. Atkins presented a memorial from the Officers of the 34th Regiment of Militia.

Which was referred to the Committee on Military Affairs.

The resignation of J. Forbes, of the County of Currituck;

And of Geo. Howard, of Edgecomb, Justices of the Peace;

Were each read and accepted.

The Bill to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, Cherokee, Macon, Haywood, Henderson, and Buncombe, where the intervention of a Jury shall or may be necessary, was read, and on motion of Mr. Cherry, postponed until Wednesday next.

The Bill to amend an Act for the better regulation of the Town of Mocksville, in Davie County, was read the third time, passed, and ordered to be Engrossed.

The Bill to incorporate the Town of Monroe, in the County of Union, was read the third time, amended and passed, and ordered to be Engrossed.

The Bill concerning Sheriffs and Constables, was read the second time, amended and passed, and ordered to be printed.

The Bill to keep open French Broad and Tennessee Rivers, was read the third time, passed, and ordered to be Engrossed.

The Bill concerning New River was read, and amended on motion of Mr. Scales, passed, and ordered to be Engrossed.

The question on the passage of the Bill as amended, was, on motion of Mr. Guthrie, reconsidered; and on motion of Mr. Shepard, the said Bill, together with the proposed amendment, was laid on the table.

Received a message from the Senate, transmitting the following

Resolution, and asking the concurrence of the House of Commons therein :

Resolved, That the Senate have heard with regret of the death of General Thomas Love, who was a member of the Legislature of North Carolina for nearly half a century ; and who, after his removal to the State of Tennessee, was elected Speaker of the Senate of that State ; and who has occupied many distinguished stations in the gift of the State : Therefore,

Be it Resolved, That as a mark of respect to the memory of Genl Thomas Love, the Senate do now adjourn until to-morrow morning 10 o'clock.

Resolved, That a message be sent to the House of Commons, asking their concurrence in this tribute of respect to the memory of the deceased.

Resolved, That the Speaker be requested to forward a copy of these Resolutions to the surviving relatives of the deceased.

These Resolutions were read, and on motion of Mr. Guthrie, the House of Commons did unanimously concur therein.

When the Speaker adjourned the House till to-morrow morning 10 o'clock.

TUESDAY, DEC. 10, 1844.

Mr. Brogden called up for consideration, the Bill concerning New River.

When said Bill, together with sundry amendments which had been offered, was, on motion of Mr. R. T. Paine, postponed indefinitely—Yeas 58, Nays 51.

The Yeas and Nays demanded by Mr. Seales.

Those who voted in the affirmative, were

Messrs. Barco,
 D. A. Barnes,
 Beaman,
 Bond,
 Brame,
 Brower,
 Brown,
 Bullock,
 Burgin,
 Caldwell,
 Cherry,
 Church,
 Clayton,
 Cochran,
 Credle,
 Davenport,
 Davis,
 W. Dickson,
 J. G. Dickson,
 Doak,
 Douthit,
 Dunn,
 Ehringhaus,
 Emerson,
 Fagg,
 Faucett,
 Gambill,
 Gee,
 George,

Messrs. Golding,
 Guyther,
 Haughton,
 Hawkins,
 Hayes,
 Keener,
 Leathers,
 Lemmond,
 Littlejohn,
 Locke,
 Lord,
 Mebane,
 Mills,
 Moore,
 McLean,
 Odom,
 R. T. Paine,
 C. L. Payne,
 Perkins,
 Poindexter,
 Pratt,
 Puryear,
 Regan,
 Roane,
 T. Robinson,
 Rush,
 Smith,
 Thrash,
 Trull.—58.

Those who voted in the negative, were

Messrs. Adams,
 Atkins,
 J. Barnes,
 Bridgers,
 Brogden,

Messrs. McNair,
 McNeill,
 Nixon,
 Prentiss,
 Rankin,

Cunningham,
 Edwards,
 Ellis,
 Fleming,
 Foy,
 Gatling,
 Graves,
 Guthrie,
 Hamrick,
 Harrison,
 Jackson,
 Jones,
 Kelly,
 Kirk,
 Lea,
 Mangum,
 Martin,
 Miller,
 Mitchell,
 Murphy,
 McIntyre,

Reid,
 Reinhardt,
 Richardson,
 H. Robinson,
 Sanders,
 Scales,
 Shaw,
 Shepard,
 Stone,
 Taliaferro,
 Washington,
 Watters,
 White,
 Whitehurst,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 T. Wilson,
 Woodward.—51.

Mr. R. T. Paine introduced a Bill to set apart a Homestead Freehold to any citizen of the State of North Carolina, of the age of 21 years.

Which was read the first time and passed.

Mr. Paine moved that said Bill be printed.

The question thereon was determined in the affirmative—Yeas 65, Nays 45.

The Yeas and Nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs. Adams,
 Barco,
 D. A. Barnes,
 Bond,
 Bridgers,
 Brower,
 Brown,
 Burgin,

Messrs. Keener,
 Kirk,
 Lemmond,
 Littlejohn,
 Locke,
 Lord,
 Miller,
 Mills,

Calloway,
 Cherry,
 Church,
 Cochran,
 Credle,
 Cunningham,
 Davenport,
 Davis,
 W. Dickson,
 Doak,
 Dunn,
 Edwards,
 Ehringhaus,
 Emerson,
 Foy,
 Gambill,
 Gee,
 George,
 Golding,
 Guthrie,
 Guyther,
 Haughton,
 Hayes,
 Jackson,
 Jones,

Moore,
 McLean,
 McNeill,
 Nixon,
 Odom,
 R. T. Paine,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Prentiss,
 Puryear,
 Reid,
 Roane,
 T. Robinson,
 Rush,
 Smith,
 Taliaferro,
 Thrash,
 Trull,
 Washington,
 White,
 Whitehurst,
 T. Wilson.—65.

Those who voted in the negative, were

Messrs. Atkins,
 J. Barnes,
 Beaman,
 Brame,
 Brogden,
 Bullock,
 Caldwell,
 Clayton,
 J. G. Dickson,
 Douthit,
 Ellis,
 Fagg,
 Faucett,
 Fleming,

Messrs. Martin,
 Mebane,
 Mitchell,
 Murphy,
 McIntyre,
 McNair,
 Pratt,
 Rankin,
 Regan,
 Reinhardt,
 Richardson,
 H. Robinson,
 Scales,
 Shaw,

Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Kelly,
Lea,
Leathers,
Mangum,

Shepard,
Stone,
Watters,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—45.

Mr. Nixon presented a memorial from the Wilmington and Raleigh Rail Road Company.

Which was referred to the Select Committee on Rail Roads.

Mr. Ellis, from the Committee on Privileges and Elections, to whom was referred the memorial of Timothy Haskins, of Onslow County, praying that the seat of E. W. Sanders, a member of this House from the said County of Onslow, may be vacated, made a report unfavorable to the prayer thereof, and asked that the Committee be discharged from the further consideration of the subject.

The report was read, and concurred in.

Mr. Cherry introduced the following Resolution :

Resolved, That the President of the Raleigh and Gaston Rail Road Company be requested to inform this House in what manner the Bonds of said Company, for \$300,000, endorsed by the State under an Act of the Assembly in 1840-1, were disposed of by said Company ; and what consideration was paid to the Company for them. Also, whether all of said Bonds have been disposed of, and if not, how many remain undisposed of ; and the names of holders of said Bonds, and to whom the last instalment of interest was paid by the Treasurer of the State ; and that he report at as early a day as practicable.

The said Resolution was read and adopted.

Mr. Brogden presented the following Resolution:

Resolved, That (provided the Senate concur,) the two Houses of the General Assembly will adjourn *sine die* on the 25th December, 1844.

Pending the question on this Resolution, the House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, DEC. 11, 1844.

Mr. Poindexter presented a petition from Ferdinand W. Risque and others, heirs at law of John B. Risque, praying payment of a specie certificate for the sum of \$500, issued by an Act of Assembly in 1780.

Which was read, and referred to the Committee on Claims.

Mr. Caldwell presented a Bill, to establish a Superior Court in the County of McDowell.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Moore, from the Committee on the Judiciary, reported without amendment the Bill to locate the residence of the Judges of the Superior Courts hereafter to be elected.

The said Report and Bill were, on motion of Mr. Ellis, ordered to be printed, and made the order of the day for Tuesday next.

Mr. Moore, from the same Committee, reported the Bill on forms of Criminal Pleading, with an amendment.

The amendment was concurred in, and the Bill as amended, read the second time and passed.

Mr. Moore, from the same Committee, to whom the consideration of the subject had been referred, reported a Bill to amend an Act ratified 26th January, 1843, entitled an Act to punish the defaults of Returning Officers, in the election of Electors for President and Vice President of the United States.

Said Bill was read the first time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Resolution in favor of Isaac White.

When the same was read the second time and passed.

Mr. T. Wilson, from the Committee on Claims, reported a Resolution in favor of Priscilla Goodwin.

Which was read the first time and passed.

Mr. Washington, from the Committee on Internal Improvement, reported a Bill to establish a public Road in the County of Buncombe, and to make an appropriation therefor—with an amendment.

The amendment was concurred in, and the said Bill as amended, read the second time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported the Bill to authorize Samuel Chunn to establish a Toll Bridge

over the French Broad River, in the County of Buncombe, with an amendment.

The amendment was concurred in, and the Bill as amended read the second time and passed.

Mr. Bond, from the Committee on Agriculture, reported unfavorably on the Bill for the establishment of a Board of Agriculture.

When said Bill was, on motion of Mr. T. H. Robinson, laid on the table.

Mr. Washington, from the Committee on Internal Improvement, reported unfavorably on the Bill to appoint Commissioners to lay off a Road in the County of Wilkes.

When the said Bill was read the second time and rejected.

Mr. Mebane, from the Committee on Claims, reported favorably on the Resolution in favor of James C. Turrentine.

When said Resolution was read the second time and passed.

On motion of Mr. Cherry,

Resolved, That a message be sent to the Senate, proposing to raise a Joint Select Committee of four, on the part of each House, to enquire into the insolvency of the Raleigh & Gaston Rail Road Company, according to the provisions of an Act of the General Assembly of 1840-1, and that they be instructed to report as soon as practicable.

Mr. Atkins presented a Bill to incorporate the Fayetteville Library Institute.

Which was read the first time, passed, and referred to the Committee on Private Bills.

Received a message from the Senate, informing that Messrs. Bogle and Boyd form their branch of the Committee on Enrolled Bills for the present week.

Received a message from the Senate, informing that they had passed the following Resolution, and asking the concurrence of this House therein, viz:

Resolved, That the Committee on Finance have power to send for Persons and Papers, and administer oaths to any Witnesses they may think necessary to examine in any matter now pending before them.

Mr. R. T. Paine, from the Select Committee raised on the subject, reported a Bill to amend the 123d chapter of the Act of Revised Statutes, entitled an Act concerning Wrecks and Wrecked property.

Which was read the first time and passed.

Mr. Caldwell called up for consideration, the report of the Committee on Privileges and Elections, in the case of John McNeill, one of the members from the County of Robeson.

When the said report was concurred in.

Mr. Grist presented a Bill relating to Beaufort County Court.

Which was read the first time, passed, and referred to the Committee on Propositions and Grievances.

Mr. Ehringhaus presented a Bill to incorporate a Corps of Cavalry in the County of Perquimons.

Which was read the first time and passed.

Mr. Mills presented a Bill extending the time for perfecting titles to Lands heretofore entered.

Which was read the first time and passed.

Mr. Waddill presented a Resolution relating to the 53d and 54th Regiments of Militia.

Which was read the first time, passed, and referred to the Committee on Military Affairs.

Received from His Excellency, the Governor, by his Private Secretary, the Report of Internal Improvement Board, for the year 1844, together with sundry documents and exhibits accompanying.

The said communication was read, and on motion of Mr. Cherry, so much thereof as concerned Rail Roads was referred to the Select Committee on that subject; and so much thereof as relates to Internal Improvement, was referred to the Committee on Internal Improvement.

Mr. Grist presented a petition from Major J. Clark, of Beaufort County, praying to be allowed the occupation and use of Alligator Canal and its stream, the property of the State, for Mill purposes.

Said petition was read, and referred to the Committee on Propositions and Grievances.

Mr. Ehringhaus presented a memorial from the Officers of the 29th Regiment,

Mr. T. H. Robinson from the 62d Regiment,

Mr. Stone from the 37th Regiment,

And Mr. Woodward from the Officers of the 13th Regiment of Militia, suggesting certain amendments in the Militia laws.

These memorials were referred to the Committee on Military Affairs.

Mr. Kirk presented a petition from Wm. Davidson, of Mecklenburg County, praying payment by the State of a judgment recovered by him against the Catawba Navigation Company.

Said petition was referred to the Committee on Claims.

Mr. C. L. Payne presented a petition from Samuel Lowers, of Davidson County, praying that the Legislature would devise for him some relief from the effects of a judgment had against him by his wife, on a petition for Divorce.

Said petition was referred to the Committee on Propositions and Grievances.

Received a message from the Senate, agreeing to raise a Joint Select Committee of four, to inquire into the insolvency of the Raleigh and Gaston Rail Road Company, and informing that Messrs. Shepard, Cameron, Boyden and Edwards form their branch of said Committee.

Ordered that Messrs. Mebane, Cherry, Wilder and Martin form said Committee on the part of the Commons.

The Bill to give exclusive jurisdiction to the Superior Courts of the Counties of Yancy, Cherokee, Macon, Haywood, Henderson and Buncombe, when the intervention of a Jury may be necessary;

The Bill concerning Sheriffs and Constables;-

The Bill to annex a part of Rutherford County to the County of McDowell;

And Resolution in favor of Henry Addington,

Were each read the third time, passed, and ordered to be En-grossed.

The Resolution relating to the adjournment of the two Houses on the 25th inst. was, on motion of Mr. T. Wilson, laid on the table until the 2d day of January next.

The Bill to extend the time for registering Grants, Deeds of Mesne Conveyance, Bills of Sale and Deeds of Gift;

And the Resolution in favor of Wm. T. Bain,

Were each read the third time, passed, and ordered to be En-grossed.

The resignations of Jesse Hinnant, of Johnston County, and of Robert Ward, Jackson Powell, and William S. Stanley, of Columbus County, Justices of the Peace, were presented, read and accepted.

The Bill to amend the Revised Statutes, concerning Clerks and Registers, was read the third time and amended; and the question, "Shall the said Bill pass the third reading?" was decided in the affirmative—Yeas 65, Nays 45.

The Yeas and Nays demanded by M r. J. G. Dickson.

Those who voted in the affirmative, were

Messrs. Atkins,

D. A. Barnes,

Bond,

Bridgers,

Brower,

Brown,

Caldwell,

Cherry,

Clayton,

Cochran,

W. Dickson,

Doak,

Douthitt,

Ehringhaus,

Ellis,

Emerson,

Fagg,

Faucett,

Foy,

Gatling,

George,

Golding,

Graves,

Grist,

Hackney,

Harris,

Harrison,

Haughton,

Hawkins,

Keener,

Lea,

Leathers,

Littlejohn,

Messrs. Locke,

Mebane,

Mills,

Moore,

McIntyre,

McLean,

McNair,

Nixon,

Odum,

R. T. Paine,

C. L. Payne,

Perkins,

Phifer,

Poindexter,

Pratt,

Prentiss,

Puryear,

Roane,

T. Robinson,

Rush,

Scales,

Shaw,

Shepard,

Street,

Taliafero,

Thrash,

Trull,

Waddill,

Washington,

Watters,

Whitehurst,

Thos. Wilson.—65.

Those who voted in the negative, were

Messrs. Adams,

Barco,

J. Barnes,

Beaman,

Brame,

Messrs. Kelly,

Kirk,

Lemmond,

Mangum,

Martin,

Brogden,
Burgin,
Calloway,
Church,
Credle,
Cunningham,
Davenport,
Davis,
J. G. Dickson,
Dunn,
Edwards,
Fleming,
Gambill,
Guyther,
Hamrick,
Hayes,
Jackson,
Jones

Miller,
Mitchell,
McNeill,
Rankin,
Regan,
Reid,
Reinhardt,
Richardson,
H. Robinson,
Smith,
Stone,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—45.

Ordered that said Bill be Engrossed.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, DEC. 12, 1844.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the Resolution offered in favor of John Sinclair.

Said Resolution was read the second time and rejected.

Mr. J. Barnes obtained leave of absence from the service of the House from and after this day till next Monday.

Mr. Poindexter presented a Bill, to provide for the distribution of the proceeds of land sold for partition in certain cases.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

On motion of Mr. Guthrie,

Resolved, That the Committee on Propositions and Grievances be instructed to enquire into the propriety of exempting Justices of the Peace from working on the public highway; and that they report by Bill or otherwise.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell.

When the said Bill was read the second time, amended on motion of Mr. Graves, and passed.

Mr. D. A. Barnes, from the same Committee, reported without amendment the Bill to amend an Act to incorporate the President, Directors and Company of the Yadkin Toll Bridge.

When the same was, on motion of Mr. Ellis, made the order of the day for Wednesday next.

The Speaker laid before the House a communication from Duncan Cameron, Esq. President of the Bank of the State of North Carolina, transmitting a Tabular Statement of the condition of the Bank, as to its liabilities and means, from the year 1834 to 1844, inclusive.

Ordered, on motion of Mr. Mills, that it be sent to the Senate, with a proposition that the same be printed

Mr. Reid called up for consideration, the Bill to establish a new County by the name of Graham.

When after discussion, the same was, on motion of Mr. Haughton, laid on the table until 4th day of March next—Yeas 59, Nays 52.

The Yeas and Nays demanded by Mr. Fleming.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Beaman,

Messrs. Lemmond,
Littlejohn,
Mangum,
Mebane,

Bond,
Brame,
Bridgers,
Brogden,
Brown,
Bullock,
Cunningham,
Davenport,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Faucett,
Gee,
Graves,
Guyther,
Hamrick,
Harrison,
Haughton,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Leathers,

Mitchell,
Murphy,
McIntyre,
McNair,
McNeill,
Nixon,
Odom,
Pratt,
Puryear,
Rankin,
Regan,
Richardson,
H. Robinson,
Scales,
Shaw,
Shepard,
Smith,
Stone,
Taliaferro,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—59.

Those who voted in the negative, were

Messrs. Atkins,
Brower,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davis,
W. Dickson,
Doak,

Messrs. Harris,
Hayes,
Keener,
Locke,
Lord,
Miller,
Mills,
Moore,
McLean,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,

Douthit,
Ehringhaus,
Emerson,
Fagg,
Fleming,
Foy,
Gambill,
Gatling,
George,
Golding,
Grist,
Guthrie,
Hackney,

Poindexter,
Prentiss,
Reid,
Roane,
T. Robinson,
Rush,
Street,
Thrash,
Trull,
Waddill,
Washington,
Walters,
T. Wilson.—52.

Received a message from the Senate, informing that they had passed the following Engrossed Bills and Resolution, and asking the concurrence of this House, viz:

A Bill to prevent the obstruction of fish passing up the Creek called the Six Runs, in the County of Sampson;

A Bill making compensation to the Jurors of Hyde County;

A Bill to repeal an Act passed in 1828, so far as it extends to the County of Martin;

A Resolution in favor of Arthur S. Mooring, Sheriff of Martin County.

The said Bills and Resolution were read the first time and passed, and the said Resolution was referred to the Committee on Claims, with the Senate's report and accompanying papers.

On motion of Mr. R. T. Paine, the Bill to set apart a Homestead Freehold to any citizen of the State of North Carolina, of the age of twenty-one years, was referred to a Select Committee consisting of Messrs. R. T. Paine, Cherry, Church, Gatling and Hawkins.

Mr. Moore presented a Bill, concerning the Writ of Replevin.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Nixon presented a Resolution in favor of Lewis H. Marsteller, of New Hanover County.

Which was read the first time and passed, and referred to the Committee on Claims.

Mr. Ehringhaus presented a Bill to incorporate the Phoenix Fire Company, in the Town of Elizabeth City.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Washington presented a Bill to amend an Act, entitled an Act, for the establishment and better regulation of Common Schools.

Which was read the first time and passed, and referred to the Committee on Education.

Mr. Roane presented a Resolution in favor of Samuel Watters.

Which was read the first time and passed, and referred to the Committee on Claims.

Mr. Lord presented a petition from sundry citizens of the State, praying the passing of a law, requiring all Contracts and Leases of Land for Mining purposes, to be made in writing.

Which was referred to the Committee on the Judiciary.

The Bill to establish a public Road in the County of Buncombe, and to make an appropriation therefor, was read the third time; and on the passing of the Bill, Mr. Wilder demanded the Yeas and Nays.

Those who voted in the affirmative, were

Messrs. Bond,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Davis,
W. Dickson,
Doak,
Ehringhaus,
Ellis,
Emertson,
Fagg,
Faucett,
Fleming,
Gambill,
George,
Golding,
Harris,
Hayes,
Keener,
Leathers,

Messrs. Locke,
Lord,
Mebane,
Miller,
Mills,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Rankin,
Reid,
Roane,
T. Robinson,
Smith,
Street,
Thrash,
Trull,
Waddill,
Washington,
White,
T. Wilson.—43.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Beaman,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Bullock,
Collins,
Credle,
Cunningham,
Davenport,
J. G. Dickson,
Douthit,
Dunn,
Edwards,
Gatling,
Gee,
Hackney,
Hamrick,
Harrison,
Jackson,
Jones,

Messrs. Kelly,
Kirk,
Lea,
Lemmond,
Mangum,
Mitchell,
Murphy,
McIntyre,
McNair,
Nixon,
Odom,
Purvey,
Regan,
Richardson,
H. Robinson,
Rush,
Scales,
Shaw,
Stone,
Taliafero,
Whitehurst,
Wilder,
N. L. Williamson,
Woodward.—48.

The House being thus equally divided, the Speaker voted in the affirmative, and declared that the said Bill had passed its third reading.

Ordered that the same be Engrossed.

The Bill to authorize Samuel Chunn to establish a Toll Bridge over French Broad River in the County of Buncombe, was read the third time, amended on motion of Mr. Moore, passed, and ordered to be Engrossed.

The Bill concerning final process in actions of Detinue;

The Bill authorizing the County Court of Lincoln County to exercise exclusive jurisdiction over the public Road, which is the dividing line between the Counties of Lincoln and Cleaveland;

The Bill on forms of Criminal pleadings;

The Bill to incorporate the Town of Marion, in McDowell County;

The Resolution in favor of Isaac White ;
The Resolution in favor of James C. Turrentine ;
The Resolution relating to Smithville, in Brunswick County ;
And the Resolution in favor of Wm. Dills, of Macon County ;
Were each read the third time, passed, and ordered to be Engrossed.

On motion of Mr. R. T. Paine, the question on passing the Resolution in favor of Isaac White, was re-considered.

When said Resolution was, on motion of Mr. T. Wilson, ordered to lie on the table.

The Bill concerning Hyde County was, on motion of Mr. Washington, re-committed to the Committee on Propositions and Grievances, together with the several memorials on the subject.

The resignation of B. Gordon, a Justice of the Peace of the County of Guilford, was presented, read and accepted.

The House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, DEC. 13, 1844.

Mr. T. Wilson, from the Committee on Claims, reported without amendment, the Resolution in favor of Lewis H. Marsteller, of New Hanover County.

When the same was read the second time and passed.

Mr. T. Wilson, from the same Committee, to whom was referred the petition of F. W. Risque and others, reported the same back to the House, and asked to be discharged from the further consideration thereof.

The report was concurred in, and the Committee discharged as asked.

Mr. T. Wilson, from the same Committee, reported a Resolution in favor of Thomas Wilson, Sheriff of Yancy County.

Which was read the first time and passed.

Mr. Hawkins, from the same Committee, reported unfavorably on the petition of Rensalaer B. Smith, and prayed to be discharged from the further consideration of the subject.

The report was concurred in.

Received a message from the Senate, proposing to go into an election of Comptroller of Public Accounts, at 12 o'clock this day, and informing that W. F. Collins is in nomination for the office.

The proposition was agreed to, and the Senate informed that the name of Thomas Jefferson, of Rutherford County, is added to the nomination, and that Messrs. Hawkins and Davis form the Commons branch of the Committee to superintend the election.

Mr. Ehringhaus presented a petition from C. C. Battle, Esq. asking additional compensation for his services, heretofore rendered as Secretary of the Literary Board.

Which was read, and on motion, referred to the Committee on Claims.

Mr. D. A. Barnes, from the Committee on Private Bills, reported favorably on the Resolution in favor of Thomas J. Roane, of Macon County.

Which was read the second time and passed.

Mr. Jones presented a Bill concerning the Superior Courts of Currituck County.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Received a message from the Senate, transmitting a report from the Committee on Finance, with sundry documents accompanying and proposing that the same be printed.

The proposition was agreed to.

Mr. Locke presented a Bill, to give to the County Courts for the County of Stanly, two Jury Terms.

Which was read the first time and passed.

Received a message from the Senate, informing that they had passed the following Engrossed Bills and Resolutions, and asking the concurrence of the House therein, viz :

A Bill to repeal a part of an Act of the General Assembly, Rev. Stat. Chap. 89, Sec. 1, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Northampton ;

A Bill to provide for a vacancy in the office of County Surveyor;

A Resolution in favor of Arthur S. Mooring, Sheriff of Martin County;

A Resolution authorizing the Governor to erect Grave Stones at the Graves of deceased Members of Assembly;

A Bill to alter the mode of appointing Constables in Beaufort and Northampton Counties;

A Resolution in favor of Wm. J. Lewis; and

A Bill to amend an Act, entitled an Act, to change the location of the Court House of the County of Montgomery, and for other purposes, passed in 1842-3.

The said Bills and Resolutions were read the first time and passed; and the Resolution in favor of Arthur S. Mooring, Sheriff of Martin County, was, on motion of Mr. Harris, referred [to the Committee on Claims.

Mr. Calloway presented a Bill, to appoint Commissioners to view and lay off a Road in the County of Ashe.

Which was read the first time and passed.

Mr. Lord, from the Committee on Propositions and Grievances, to whom was referred the petition of Richard Cox, reported the same to the House, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Haughton moved that the House do reconsider their vote of yesterday, postponing to the 4th of March next, the Bill to establish a new County by the name of Graham.

The motion prevailed, and the question recurring on the passing of said Bill the second reading, on motion of Mr. Reid, the same was laid on the table.

On motion of Mr. Cherry,

Ordered, That the Message of His Excellency, the Governor, transmitting the Report of the Board of Internal Improvement, with sundry documents accompanying, and which were heretofore received by this House, be sent to the Senate, with a proposition that the same be printed.

Mr. Nixon presented a Resolution, allowing the withdrawal of certain papers from the files of the Clerk's Office of the House of Commons.

Which was read and adopted.

Mr. Waddill presented a Bill concerning County Solicitors.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Jackson presented a Resolution, allowing John Davis, of Lenoir County, to collect arrears of taxes.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. Washington presented a Bill, to provide a suitable punishment for owners or occupiers of houses burning the same, under the circumstances therein mentioned.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

Received a message from the Senate, informing that Messrs. Thompson, of Wake, and McMillan form their branch of the Committee to superintend the election of Comptroller, and that they are now ready to go into said election.

The House thereupon voted as follows :

FOR W. F. COLLINS.

Messrs. Speaker,

Adams,

Atkins,

D. A. Barnes,

Beaman,

Bond,

Bridgers,

Brogden,

Brower,

Brown,

Bullock,

Caldwell,

Cherry,

Church,

Clayton,

Cochran,

Collins,

Credle,

Cunningham,

Davenport,

W. Dickson,

Messrs. Kelly,

Kirk,

Leathers,

Littlejohn,

Locke,

Lord,

Mangum,

Mebane,

Miller,

Mitchell,

Murphy,

McIntyre,

McLean,

McNeill,

Nixon,

Odom,

C. L. Payne,

Perkins,

Phifer,

Poindexter,

Prentiss,

J. G. Dickson,

Doak,

Douthit,

Edwards,

Ehringhaus,

Ellis,

Emerson,

Fagg,

Faucett,

Foy,

Gatling,

Gee,

George,

Golding,

Grist,

Guyther,

Hackney,

Harris,

Haughton,

Hayes,

Jackson,

Jones,

Keener,

Puryear,

Regan,

Reid,

Richardson,

Roane,

H. Robinson,

Rush,

Shaw,

Shepard,

Smith,

Stone,

Street,

Taliaferro,

Trull,

Waddill,

Washington,

Watters,

Whitehurst,

Wilder,

N. L. Williamson,

R. P. Williamson,

T. Wilson,

Woodward.—88.

FOR THOMAS JEFFERSON.

Messrs. Burgin,

Calloway,

Davis,

Dunn

Gambill,

Graves,

Guthrie,

Hamrick,

Lea,

Lemmond,

Messrs. Mills,

Pratt,

Rankin,

Reinhardt,

T. Robinson,

Scales,

Thrash,

White,

N. Wilson.—19.

FOR CURTIS H. BROGDEN.

Messrs. Brame and Hawkins.

Mr. Lord, from the Committee on Propositions and Grievances, reported a Resolution in favor of the Justices of the Peace of Haywood County.

Which was read the first time and passed.

Mr. Hawkins, on behalf of the Committee appointed to superintend the election of a Comptroller of Public Accounts, reported that William F. Collins, the present incumbent, had received a majority of the whole number of votes, and that he was duly elected.

The report was concurred in.

Received a message from the Senate, informing that they had passed certain Engrossed Resolutions, relating to rebuilding the Branch Mint at Charlotte, and asking the concurrence of this House.

The Report of the Joint Select Committee raised on this subject, was read, when Mr. Harris, on behalf of the minority of said Committee, presented a counter-report.

The said Resolutions were then read the first time and passed.

Mr. Bullock presented a petition from Wm. D. Wyche, concerning the title of a lot in the Town of Henderson.

Which was referred to the Committee on Propositions and Grievances.

Mr. Atkins presented a petition from sundry citizens of Cumberland County, praying that a law he passed, directing the trial of all actions of debt before Justices of the Peace, be tried in the Captain's District where the debtor resides.

Said petition was referred to the Committee on Propositions and Grievances.

The Bill to incorporate the Trustees of the Milton Female Institute, in the County of Caswell, was read the third time, passed, and ordered to be Engrossed.

The Bill to amend the 29th Section of the 31st Chapter of Revised Statutes, was read the second time, and on motion of Mr. Brogden, postponed till 4th of March next.

The Engrossed Bill, to incorporate a Company of Cavalry in the Town of Wilmington, County of New Hanover;

And the Engrossed Resolutions in favor of John L. Christian, Sheriff of Montgomery County, and in favor of William Stringer and Green Hill,

Were each read the second time and passed.

The Bill to prevent betting on Elections, was read the second

time ; and Mr. D. A. Barnes moved that the said Bill be postponed indefinitely.

The question thereon was decided in the negative—Yeas 45, Nays 62.

The Yeas and Nays demanded by Mr. Clayton.

Those who voted in the affirmative, were

Messrs. Atkins,
D. A. Barnes,
Beaman,
Brame,
Bridgers,
Brown,
Bullock,
Burgin,
Calloway,
Cherry,
Church,
Collins,
Credle,
Davenport,
Davis,
W. Dickson,
Ehringhaus,
Ellis,
Fleming,
Gambill,
Gee,
Grist,
Guthrie,

Messrs. Harris,
Haughton,
Jackson,
Keener,
Kelly,
Miller,
Mills,
Mitchell,
Murphy,
McNeill,
Odom,
Perkins,
Phifer,
Prentiss,
Purveyar,
Regan,
Shaw,
Taliaferro,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—45.

Those who voted in the negative, were

Messrs. Adams,
Bond,
Brogden,
Brower,
Caldwell,
Clayton,
Cochran,

Messrs. Lord,
Mangum,
Mebane,
McIntyre,
McNair,
Nixon,
C. L. Payne,

Cunningham,	Poindexter,
Doak,	Pratt,
Douthit,	Rankin,
Dunn,	Reid,
Edwards,	Reinhardt,
Fagg,	Richardson,
Faucett,	Roane,
Foy,	H. Robinson,
Gatling,	T. Robinson,
George,	Rush,
Graves,	Scales,
Guyther,	Shepard,
Hackney,	Smith,
Hamrick,	Stone,
Harrison,	Street,
Hawkins,	Thrash,
Hayes,	Trull,
Jones	Waddill,
Kirk,	Washington,
Lea,	Watters,
Leathers,	White,
Lemmond,	Whitehurst,
Littlejohn,	Thos. Wilson,
Locke,	Woodward.—62.

The question recurring on the passage of the Bill the second reading, the same was amended on motion of Mr. N. Wilson; and the question, "Shall the said Bill pass the second reading," was decided in the affirmative.

Mr. Washington, from the Committee on Internal Improvement, reported the Bill making an appropriation for a public Road in Wilkes, with an amendment.

The amendment was read and concurred in.

And the question, "Shall the said Bill pass the second reading," was decided in the negative—Yeas 27, Nays 76.

The Yeas and Nays demanded by Mr. Wilder.

Those who voted in the affirmative, were

Messrs. Burgin,
Caldwell,
Calloway,

Messrs. Keoner,
Lemmond,
Locke,

Church,
Clayton,
Davis,
W. Dickson,
Dunn,
Ehringhaus,
Fagg,
Fleming,
Gambill,
Guthrie,
Hayes,

Miller,
Mills,
McLean,
Poindexter,
Reid,
Roane,
T. Robinson,
Thrash,
Trull,
T. Wilson.—27.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
D. A. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Bullock,
Cherry,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
J. G. Dickson,
Doak,
Douthit,
Edwards,
Ellis,
Faucett,
Gatling,
Gee,
George,
Golding,
Graves,

Messrs. Kirk,
Lea,
Leathers,
Lord,
Mangum,
Mebane,
Mitchell,
Murphy,
McIntyre,
McNair,
McNeill,
Nixon,
Odom,
C. L. Payne,
Perkins,
Phifer,
Pratt,
Prentiss,
Puryear,
Rankin,
Regan,
Richardson,
H. Robinsonn,
Rush,
Scales,
Shaw,
Shepard,
Smith,

Grist,
Guyther,
Hackney,
Hamrick,
Harrison,
Haughton,
Hawkins,
Jackson,
Jones,
Kelly,

Stone,
Street,
Taliaferro,
Waddill,
Watters,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
Woodward.—76.

Mr. Lord, from the Committee on Propositions and Grievances, to whom the subject was referred, reported a Bill to exempt Justices of the Peace from working on the Public Highways.

Which was read the first time and passed.

On motion of Mr. Washington,

Resolved, That the use of this Hall be granted on Saturday and Monday evenings next, to the Rev. Mr. Tyler, Principal of the Institution at Staunton, Virginia, for the education of the Deaf, Dumb and Blind, for an exhibition of a portion of his pupils who accompanied him to this City.

Whereupon, the House adjourned until to-morrow morning 10 o'clock.

SATURDAY, DEC. 14, 1844.

Mr. T. Wilson, from the Committee on Claims, reported without amendment the Engrossed Resolution in favor of Arthur S. Mooring, Sheriff of Martin County.

When the same was read the second time and passed.

Mr. T. Wilson, from the same Committee, reported without amendment the Resolution in favor of Samuel Watters.

Which was read the second time and passed.

Mr. T. Wilson, from the same Committee, reported a Resolution in favor of Michael Francis.

Which was read the second time and passed.

Mr. G. A. Miller, from the same Committee, reported a Resolution in favor of William Davidson, of Mecklenburg County.

Which was read the first time and passed.

Mr. Doak introduced a Bill to prevent the felling of timber in the water courses of the County of Guilford.

Which was read the first time and passed, and referred, on Mr. Doak's motion, to the Committee on Private Bills.

Mr. Fleming presented a petition from certain citizens of the County of Yaney, praying the passage of a law, allowing them to be taken from the 82d Regiment, and attached to the 92d Regiment of Militia.

Said petition was referred to the Committee on Military Affairs.

Mr. Cherry, from the Joint Select Committee appointed to enquire into the insolvency of the Raleigh and Gaston Rail Road Company, made a report.

Which was ordered to be sent to the Senate, with a proposition that the same be printed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment the Bill to establish a Superior Court in the County of McDowell.

When the same was read the second time and passed.

Mr. Washington presented a memorial from the Board of Directors of the Petersburg Rail Road Company, in relation to their Bridge erected across the Roanoke River.

Which was read and referred to the Committee on Internal Improvement.

Mr. Puryear, from the Committee on Internal Improvement, reported with sundry amendments the Bill providing for the reorganization of the Portsmouth and Roanoke Rail Road Company.

The amendments were concurred in, and on motion of Mr. Caldwell,

Ordered, That said Bill be printed, and made the order for Friday next.

Mr. Fleming, on behalf of the minority of said Committee, made a report, and moved that the same, together with the report of the majority of said Committee, be printed with said Bill.

The question thereon was determined in the negative—Yeas 37, Nays 70.

The Yeas and Nays demanded by Mr. Taliafero.

Those who voted in the affirmative, were

Messrs. Atkins,
Beaman,
Brame,
Bridgers,
J. G. Dickson,
Dunn,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Hawkins,
Jones
Kelly,
Kirk,
Lemmond,
Mangum,
Martin,
Mitchell,

Messrs. McIntyre,
McNair,
McNeill,
Regan,
Richardson,
H. Robinson,
Scales,
Shaw,
Shepard,
Smith,
Stone,
Taliafero,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
Woodward.—37.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,

Messrs. Hackney,
Harris,
Harrison,
Haughton,
Hayes,
Jackson,
Keener,
Leathers,
Littlejohn,
Locke,
Lord,

Church,
 Clayton,
 Cochran,
 Collins,
 Credle,
 Cunningham,
 Davenport,
 Davis,
 W. Dickson,
 Doak,
 Douthit,
 Edwards,
 Ehringhaus,
 Emerson,
 Fagg,
 Faucett,
 Foy,
 Gambill,
 Gee,
 George,
 Golding,
 Grist,
 Gothrie,
 Guyther,

Mebane,
 Miller,
 Mills,
 Murphy,
 Nixon,
 Odom,
 R. T. Paine,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Prentiss,
 Puryear,
 Reid,
 T. Robinson,
 Rush,
 Sharpe,
 Street,
 Thrash,
 Trull,
 Waddill,
 Washington,
 Watters,
 T. Wilson.—70.

Mr. Ehringhaus, from the Committee on Military Affairs, reported without amendment, the Bill to amend an Act, entitled an Act, to incorporate the Fayetteville Riflemen, of the County of Cumberland.

When the same was read the second time and passed.

Mr. R. T. Paine, from the Select Committee, to whom was referred the Bill to set apart a Homestead Freehold, reported the same with sundry amendments.

The Bill and amendments were, on motion of Mr. Foy, made the order of the day for Tuesday next.

On motion of Mr. Wilder,

Resolved, That the Committee on Finance be instructed to enquire into the ways and means of the State of North Carolina, to meet the liabilities which will be chargeable upon her Treasury for the next two years, and that they report by Bill or otherwise.

Mr. Reid asked and obtained leave of absence from the service of the House, from and after this day until Monday, the 23d inst. Mr. Miller presented a Bill to provide for the appointment of Engrossing Clerks.

Which was read the first time, passed, and referred to the Committee on Privileges and Elections.

Mr. D. A. Barnes, from the Committee on Private Bills, reported with an amendment, the Bill to incorporate the Newbern Mechanic's Association.

The amendment was read and concurred in, and the Bill read the second time and passed.

Mr. J. G. Dickson presented a Bill to incorporate Washington Academy, in the County of Duplin.

Which was read the first time and passed.

Received from His Excellency, the Governor, by his Private Secretary, a communication, transmitting the Annual Report of the Treasurer of the Board of Trustees of the University of North Carolina, and informing the Assembly that there are at present four vacancies in the Board of Trustees of that institution, occurring by the death of Hon. Wm. Gaston, Col. James W. Clarke, and Col. Michael Hoke, and of the removal from the State of Hon. John Branch.

On motion of Mr. Caldwell,

Ordered, That the same be sent to the Senate, with a proposition that the two Houses do, on Monday next, at 12 o'clock, go into an election for four Trustees to fill these vacancies; and informing that the following persons are nominated for the appointment, viz:

N. L. Williams, D. F. Caldwell, W. W. Cherry, R. M. Pearson, Thos. G. Stone, Alex. Little, Robert Strange, C. Graves, Edward Stanly, J. J. Daniel, J. P. Leak, W. H. Washington and M. Francis.

On motion of Mr. Davis,

Resolved, That the Committee on Education be instructed to enquire into the expediency of furnishing by law, each Common School District in the State, with the law on Common Schools, in pamphlet form; and that they report by Bill or otherwise.

Mr. Hayes presented a Resolution in favor of M. K. Taylor and C. Kephart.

Which was read the first time and passed.

Mr. H. H. Robinson presented a petition from James Cromartie, of Bladen County, relating to the clearing out and rendering navigable Cypress Creek, in said County.

Which was referred to the Committee on Propositions and Grievances.

Received a message from the Senate, informing that they had rejected the Engrossed Bill from this House, to amend the Revised Statute, concerning Executions.

A message from the Senate, agreeing to print the Report of the Joint Select Committee raised to enquire into the insolvency of the Raleigh and Gaston Rail Road Company; and to print the Message of His Excellency, the Governor, transmitting the report of the Board of Internal Improvement, with the accompanying documents.

Mr. Lord, from the Committee on Propositions and Grievances, reported without amendment the Bill relating to Beaufort County Court.

Which was read the second time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the petition of Major J. Clark, of Beaufort County, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported a Bill for the relief of Samuel Lowers.

Which was read the first time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the petition of sundry citizens of Cumberland County, in relation to the trial of Warrants before Justices of the Peace.

The report was read and concurred in.

On motion of Mr. Stone,

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the Revised Statutes of this State, that in all cases when a child or children of an intestate has been advanced by his, her or their parent, in the life-time of said parent, an amount more than equal to a distributive share of the personal estate of said intestate, said child or children shall, in the division of the real estate of the intestate, be charged with the excess which he, she, or they have received in personality as aforesaid, and the same be taken into account in the division of the real estate of said intestate, among the heirs: so as to make all the children of intestates as nearly equal as possible; and that said Committee report by Bill or otherwise.

Mr. Cunningham presented a Petition from Porteus Moore, of Person County, praying that the State would allow and pay a claim for the Revolutionary services of his Father.

Which was read and referred to the Committee on Claims.

On motion of Mr. C. L. Payne,

Resolved, That so much of the Message of His Excellency, the Governor, as relates to the appointment of a suitable State Agent of Common Schools, be referred to the Committee on Education.

Mr. Lord, from the Committee on Propositions and Grievances, who were instructed to enquire into the expediency of making an appropriation for removing obstructions in Pungo River, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported back to the House, the Resolution allowing John Davis, of Lenoir County, to collect arrears of Taxes, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Adams presented a memorial from certain officers of the 28th Regiment;

And Mr. Brogden, from officers of the 40th Regiment of the Militia, on the subject of the inefficiency of the Militia Laws.

Which were referred to the Committee on Military Affairs.

Mr. Caldwell presented a petition from sundry citizens of Burke County, praying a repeal of the Law giving to the People the election of Constable.

Which was referred to the Committee on Propositions and Grievances.

Mr. Shaw presented a Bill to amend an Act of the Revised Statutes, chapter 102, entitled an Act to provide for the collection and management of a Revenue for this State;

And Mr. Guthrie, a Bill concerning the election of Sheriffs.

These Bills were read the first time and passed.

The Engrossed Bill, to incorporate a Company of Cavalry in the Town of Wilmington, County of New Hanover;

And the Engrossed Resolution in favor of William Stringer and Green Hill;

Were each read the third time, passed, and ordered to be Enrolled.

The Bill to prevent betting on Elections, was read the third time, and amended on motion of Mr. Graves; and the question, Shall the said Bill pass the third reading, was determined in the affirmative—Yeas 60, Nays 40.

The Yeas and Nays demanded by Mr. Puryear.

Those who voted in the affirmative, were

Messrs. Adams,
Brame,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Clayton,
Cochran,
Cunningham,
Davis,
Doak,
Douthit,
Dunn,
Edwards,
Emerson,
Faucett,
Foy,
George,
Golding,
Graves,
Guyther,
Hamrick,
Jones,
Keener,
Kirk,
Leathers,
Lemmond,
Littlejohn,
Locke,

Messrs. Lord,
Martin,
Mills,
Murphy,
McNair,
Nixon,
Odom,
R. T. Paine,
C. L. Payne,
Poindexter,
Puryear,
Reid,
Richardson,
Roane,
T. Robinson,
Rush,
Scales,
Shepard,
Smith,
Stone,
Street,
Taliafero,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
T. Wilson,
Woodward.—60.

Those who voted in the negative, were

Messrs. Atkins,
Barco,
D. A. Barnes,
Beamam,
Bond,
Bridgers,
Brogden,
Cherry,
Church,
Collins,
Davenport,
W. Dickson,
J. G. Dickson,
Ehringhaus,
Ellis,
Fagg,
Fleming,
Gambill,
Gee,
Grist,

Messrs. Guthrie,
Hackney,
Haughton,
Hawkins,
Hayes,
Jackson,
Kelly,
Mebane,
Miller,
Mitchell,
McIntyre,
Perkins,
Prentiss,
Regan,
H. Robinson,
Sharpe,
Shaw,
Wilder,
N. L. Williamson,
R. P. Williamson.—40.

Ordered that said Bill be Engrossed.
On motion of Mr. Foy,

Resolved, That the Door-keeper of the House of Commons be authorized to purchase a piece of Green Baize, or other thick material, for the purpose of making curtains for the windows at the back of the Speaker's Chair, in this Hall; and that he report the cost thereof.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, DEC. 16, 1844.

Messrs. Caldwell, Calloway, Collins and Cunningham were ap-

pointed the Committee on Enrolled Bills the present week, under the Joint Rules of Order.

On motion, leave of absence from the service of the House, from this day until Saturday next, was granted to Mr. Gatling.

Mr. R. T. Paine presented a Bill, to secure to citizens of this State the right of fishing in the navigable waters of this State.

Which was read the first time and passed, and referred to a Select Committee consisting of Messrs. R. T. Paine, Jones, Davenport, Grist and Credle.

Received a message from the Senate, informing that Messrs. Cowper and Drake form their branch of the Committee on Enrolled Bills the present week.

The Speaker laid before the House a petition on behalf of the Heirs at Law of John Pintard, praying payment of certain certificates issued by this State in 1785.

These papers were referred to the Committee on Claims.

Mr. D. A. Barnes, from the Committee on Private Bills, reported with an amendment the Bill to incorporate the Phoenix Fire Company, in the Town of Elizabeth City.

The amendment was agreed to, and the Bill read the second time and passed.

Mr. McNair presented a Bill to prevent obstructions in Hitchcock's Creek, in the County of Richmond.

Which was read the first time and passed, and referred to the Committee on Private Bills.

On motion of Mr. Puryear,

Resolved, That the Committee on Education be instructed to enquire into the expediency of so amending the law on Common Schools, as to permit persons over twenty-one years of age to be taught in said Schools; also, to prevent Committee-men from becoming Teachers in said Schools; and that they report by Bill or otherwise.

Mr. Whitehurst presented a petition from Pilots at Ocracoke Inlet, praying some alteration of the laws regulating Pilotage at that place.

Which was referred to the Committee on Propositions and Grievances.

Mr. Nixon presented a memorial from sundry citizens of New

Hanover County, praying a modification of the laws relating to licenses to retail Spirituous Liquors.

Which was read and referred to the Committee on Private Bills.

✓ Mr. Mills presented a petition from sundry citizens of Rutherford, praying the erection of a new County out of a portion of Rutherford, by the name of La Fayette; and petitions also from sundry citizens of said County, in opposition to said prayer.

These papers were referred to the Committee on Propositions and Grievances.

Mr. Davis presented sundry papers relating to the same subject.

Which were referred to the same Committee.

Mr. Cherry, from the Committee raised on the subject of Rail Roads, made a report accompanied by a Bill to authorize the foreclosure of the mortgage of the Raleigh and Gaston Rail Road.

The said Bill was read the first time and passed, and ordered to be printed with the Report, and made the order of the day for Thursday next.

Mr. Poindexter presented a Bill, to alter and circumscribe the corporate limits of the Town of Milton.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Cherry presented a petition from sundry citizens of the Counties of Northampton, Warren and Halifax, praying the erection of a new County out of a portion of the limits of said Counties.

Said petition was referred to the Committee on Propositions and Grievances.

On motion of Mr. Lord,

Ordered, That a message be sent to the Senate, proposing that the two Houses go into an election on to-morrow, at 12 o'clock, of Public Treasurer; and informing that Chas. L. Hinton and John H. Wheeler are in nomination for the appointment.

On motion of Mr. Scales,

Resolved, That the Committee on Education and the Literary Fund be instructed to enquire into the expediency of applying a portion of the nett annual income of the Literary Fund to the education of the

Deaf, Dumb and Blind portion of the population of our State ; and that they report by Bill or otherwise.

The resignation of Joel Clifton, as Justice of the Peace of the County of Johnston, received from the Senate, was read and accepted.

Received a message from the Senate, agreeing to the proposition of this House, to go into an election of Four Trustees of the University of North Carolina, and adding to the nomination, the names Wm. W. Avery, Cadwallader Jones, Sen. Richard S. Mason, and Alex. Wilson, and informing that Messrs. Thompson, of Bertie, and Jeffreys, form their branch of the Committee to superintend the election.

The hour of 12 having arrived, ordered that a message be sent to the Senate, informing that the names of Messrs. A. Little, J. J. Daniel, and Edw'd. Stanly, are withdrawn from the nomination, and that Messrs. Bridgers and C. L. Payne form our branch of the Committee to superintend the election.

The House then voted as follows :

FOR N. L. WILLIAMS.

Messrs. Speaker,

Barco,

Brower,

Brown,

Burgin,

Calloway,

Church,

Clayton,

Cochran,

Collins,

Credle,

Davenport,

W. Dickson,

Douthit,

Emerson,

Fagg,

Gambill,

Gee,

Messrs. Golding,

Hawkins,

Harris,

Lord,

Miller,

C. L. Payne,

Perkins,

Poindexter,

Purycar,

Reid,

Roane,

T. Robinson,

Rush,

Street,

Taliafero,

Thrash,

Washington,

T. Wilson.—36.

FOR WILLIAM W. CHERRY.

Messrs. Speaker,

Adams,
Barco,
D. A. Barnes,
Beaman,
Bond,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Edwards,
Ehringhaus,
Ellis,
Emerson,
Fleming,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Harris,
Harrison,
Haughton,
Hawkins,
Hayes,
Jackson,
Jones,

Messrs. Kelly,

Leathers,
Littlejohn
Locke,
Lord,
Mangum,
Martin,
Mebane
Mills,
Moore,
Murphy,
McNair,
McNeill,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Prentiss,
Purvey,
Regan,
Reid,
Richardson,
H. Robinson,
T. Robinson,
Rush,
Scales,
Sharpe,
Shaw,
Shepard,
Smith,
Street,
Trull,
Waddill,
Washington,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
T. Wilson,
Woodward.—85.

FOR CALVIN GRAVES.

Messrs. Speaker,
Adams,
Atkins,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Calloway,
Cherry,
Clayton,
Collins,
Credle,
Cunningham,
Davenport,
J. G. Dickson,
Doak,
Dunn,
Edwards,
Ehringhaus,
Ellis,
Emerson,
Faucett,
Fleming,
George,
Grist,
Guthrie,
Guyther,
Hackney,
Hamrick,
Harris,
Harrison,
Haughton,
Hawkins,
Hayes,
Jackson,
Jones,
Keener,
Kelly,
Kirk,

Messrs. Littlejohn,
Lord,
Mangum,
Martin,
Mebane,
Miller,
Mitchell,
Moore,
Murphy,
McIntyre,
McNeill,
Nixon,
Odom,
R. T. Paine,
C. L. Payne,
Phifer,
Poindexter,
Prentiss,
Puryear,
Rankin,
Regan,
Reinhardt,
Richardson,
Roane,
H. Robinson,
Rush,
Scales,
Sharp,
Shaw,
Stone,
Street,
Taliafero,
Trull,
Waddill,
Washington,
Watters,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,

Leathers, Woodward.—87.
Lemmond,

FOR WILLIAM H. WASHINGTON.

Messrs. Speaker,
Adams,
Barco,
D. A. Barnes,
Bond,
Brogden,
Brower,
Brown,
Caldwell,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Cunningham,
Davis,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Edwards,
Ehringhaus,
Fagg,
Faucett,
Fleming,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Hamrick,
Harris,
Haughton,
Hayes,
Jackson,
Jones,

Messrs. Keener,
Kirk,
Lemmond,
Littlejohn,
Locke,
Lord,
Miller,
Mills,
Mitchell,
Moore,
McIntyre,
McNair,
McNeill,
Odom,
R. T. Paine,
Perkins,
Phifer,
Poindexter,
Prentiss,
Puryear,
Rankin,
Regan,
Reid,
Reinhardt,
Richardson,
T. Robinson,
Rush,
Scales,
Sharpe,
Smith,
Stone,
Street,
Taliafero,
Thrash,
Trull,
Waddill,
Watters,
Whitehurst,
T. Wilson,
Woodward.—80.

FOR CADWALLADER JONES, SEN.

Messrs. Adams,
Atkins,
Beaman,
Brown,
Bridgers,
Brogden,
Cunningham,
Leathers,

Messrs. Mangum,
Martin,
Mebane,
Nixon,
Stone,
Wilder,
R. P. Williamson.—15.

FOR WILLIAM W. AVERY.

Messrs. Atkins,
Beaman,
Brame,
Burgin,
Caldwell,
Davis,
J. G. Dickson,
Dunn,
Ellis,
Emerson,
Fagg,
Fleming,
George,
Hamrick,
Harrison,
Hawkins,
Jackson,
Keener,
Kelly,

Messrs. Kirk,
Lemmond,
Mills,
Mitchell,
McIntyre,
McNeill,
Nixon,
R. T. Paine,
Regan,
Reid,
Richardson,
H. Robinson,
Scales,
Shaw,
Waddill,
White,
Wilder,
N. L. Williamson,
N. Wilson.—38.

FOR ALEXANDER WILSON.

Messrs. Atkins,
Bond,
Bridgers,
Clayton,
Doak,
Faucett,
Littlejohn,

Messrs. Locke,
Mebane,
Murphy,
C. L. Payne,
Shepard,
Smith.—13.

FOR RICHMOND M. PEARSON.

Messrs. Barco,
Calloway,
Cherry,
Cochran,
Davenport,
W. Dickson,
Douthit,
Ehringhaus,
Ellis,
Foy,
Gambill,
Guyther,

Messrs. Kelly,
Locke,
Miller,
Nixon,
Phifer,
H. Robinson,
T. Robinson,
Thrash,
Washington,
Watters,
Whitehurst,
R. P. Williamson.—24.

FOR DAVID F. CALDWELL.

Messrs. D. A. Barnes,
Burgin,
Caldwell,
Church,

Messrs. Davis,
Wm. Dickson,
Trull.—7.

FOR RICHARD S. MASON.

Messrs. D. A. Barnes,
Bridgers,
Cherry,
Grist,
Guthrie,

Messrs. Haughton,
Moore,
Odom,
Shepard.—9.

FOR THOMAS G. STONE.

Messrs. Brame,
Collins,
Douthit,
Dunn,
Edwards,
Faucett,
Gee,
Golding,
Hamrick,

Messrs. Murphy,
McIntyre,
McNair,
Prentiss,
Rankin,
Reinhardt,
Roane,
Sharpe,
Shaw,

Harrison,
Hawkins,
Jones,
Kirk,
Leathers,
Lemmond,
Mangum,
Martin,
Mitchell,

Shepard,
Smith,
Stone,
Taliafero,
White,
N. L. Williamson,
N. Wilson,
T. Wilson,
Woodward.—36.

FOR MICHAEL FRANCIS.

Messrs. Fagg,
Foy,
Hayes,
Keener,
Mills,
Perkins,

Messrs. Rankin,
Reinhardt,
Reane,
Thrash,
White.—11.

FOR JAMES P. LEAK.

Mr. McNair.

Mr. Bridgers, from the Committee appointed to superintend this election, reported that Calvin Graves, William W. Cherry and William H. Washington had each received a majority of the whole number of votes, and that they were duly elected; and that no other person had received such majority.

The report was concurred in.

Mr. Atkins presented the following Resolution:

WHEREAS, the question of annexing the Territory of the Republic of Texas to that of the United States, is one in which the people of North Carolina feel a deep and abiding interest, and one in which those we represent are most vitally concerned: And whereas, we feel a lively sympathy for the citizens of that Republic, connected with us as they are by all those ties which usually bind two States together—descended from the same ancestors, and reared under similar institutions. Therefore,

Resolved, by the General Assembly of the State of North Carolina, That the territory of Texas ought to be annexed to the United States,

as soon as practicable, provided the same can be effected without any compromise of the rights, interests and honor of the Union.

The above was read, and Mr. Thomas Wilson moved that the same be rejected.

The question on this motion was determined in the affirmative—Yeas 60, Nays 49.

The Yeas and Nays demanded by Mr. Shepard.

Those who voted in the affirmative, were

Messrs. Adams,

Barco,

D. A. Barnes,

Bond,

Brower,

Burgin,

Caldwell,

Cherry,

Church,

Clayton,

Cochran,

Credle,

Davenport,

Davis,

W. Dickson,

Doak,

Douthit,

Ehringhaus,

Emerson,

Fagg,

Faucett,

Foy,

Gambill,

Gee,

George,

Golding,

Grist,

Guyther,

Hackney,

Harris,

Messrs. Haughton,

Keener,

Leathers,

Littlejohn,

Locke,

Lord,

Mebane

Miller,

Mills,

Moore,

McNair,

Odom,

C L. Payne,

Perkins,

Phifer,

Poindexter,

Prentiss,

Purveyer,

Reid,

Roane,

T. Robinson,

Rush,

Sharpe,

Smith,

Thrash,

Trull,

Waddill,

Washington,

Watters,

T. Wilson.—60.

Those who voted in the negative, were

Messrs. Atkins,
Beaman,
Brame,
Bridgers,
Brogden,
Brown,
Calloway,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Graves,
Guthrie,
Hamrick,
Harrison,
Hawkins,
Hayes,
Jackson,
Jones,
Kelly,
Kirk,
Lemmond,

Messrs. Mangum,
Martin,
Mitchell,
McIntyre,
McNeill,
Nixon,
R. T. Paine,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Scales,
Shaw,
Shepard,
Stone,
Street,
Taliaferro,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—49.

On motion of Mr. Caldwell,

Resolved, That this House will commence holding evening Sessions from and after Wednesday, the 18th instant.

The House then adjourned until to-morrow morning 10 o'clock.

TUESDAY, DEC. 17, 1844.

Received a message from the Senate, agreeing to the proposition

of this House, to go into an election of Public Treasurer, on tomorrow, at 12 o'clock; and informing that Messrs. Elliott and Biggs form the Senate's branch of the Committee to superintend the election.

A message from the Senate, transmitting a report from the Joint Select Committee appointed to notify the Hon. Wm. A. Graham of his election as Governor, and informing that he will appear before the two Houses on the first day of January next, and take the oaths of office.

A message from the Senate, proposing to raise a Joint Select Committee of two on the part of each House, for the purpose of examining the state of Furniture in the residence of the Governor, and ascertain what additions or repairs be necessary thereto; and that said Committee report by Bill or otherwise.

The proposition was agreed to, and Messrs. Ellis and Faucette were appointed said Committee on the part of this House.

The Speaker laid before the House a communication from Samuel F. Patterson, President of the Raleigh and Gaston Rail Road Company, in answer to the Resolution adopted by this House on the 11th inst.

Which was referred, on motion of Mr. Cherry, to the Select Committee on Rail Roads.

On motion of Mr. Brogden,

Ordered, That a message be sent to the Senate, proposing to go in to an election forthwith for one Trustee of the University.

Received from the Senate a message, concurring in this proposition, and informing that Messrs. Thompson, of Bertie, and Jeffreys, form their branch of the Committee to superintend the election.

Ordered that Messrs. Miller and N. L. Williamson compose said Committee on the part of this House.

The House then voted as follows:

FOR N. L. WILLIAMS,

Messrs. Speaker,
Brower,
Brown,
Calloway,
Credle,

Messrs. Lord,
C. L. Payne,
Perkins,
Poindexter,
Purveyor,

Doak,
Douthit,
Emerson,
Gambill,
George,
Golding,
Hackney,
Jackson,

Reid,
T. Robinson,
Rush,
Smith,
Street,
Trull,
Washington,
T. Wilson.—26.

FOR WILLIAM W. AVERY.

Messrs. Atkins,
J. Barnes,
Beaman,
Bridgers,
Brogden,
Davis,
J. G. Dickson,
Dunn,
Ellis,
Graves,
Hamrick,
Kirk,
Lemmond,
Mills,

Messrs. McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
Scales,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson.—27.

FOR RICHMOND M. PEARSON.

Messrs. Barco,
Cochran,
Davenport,
Fagg,
Haughton,

Messrs. Locke,
Miller,
R. T. Paine,
Watters.—9.

FOR CADWALLADER JONES, SEN.

Messrs. Adams,
E. Barnes,
Bond,
Cunningham,
Faucett,
Leathers,

Messrs. Mangum,
Mebane,
Murphy,
Odom,
Pratt.—11.

FOR DAVID F. CALDWELL.

Messrs. D. A. Barnes,
Burgin,
Caldwell,
Cherry,
Church,
Clayton,
W. Dickson,

Messrs. Ebringhaus,
Moore,
McNair,
Phifer,
Prentiss,
Shepard,
Thrash.—14.

FOR THOMAS G. STONE.

Messrs. Brame,
Bullock,
Collins,
Edwards,
Gee,
Guyther,
Harrison,

Messrs. Hawkins,
Jones,
Kelly,
Martin,
Mitchell,
H. Robinson,
Stone.—14.

FOR MICHAEL FRANCIS.

Messrs. Foy,
Grist,
Harris,
Hayes,

Messrs. Keener,
Roane,
Sharp,
N. Wilson.—8.

Mr. Lord, from the Committee on Propositions and Grievances, reported favorably on the Bill concerning Hyde County.

When the same was read the third time, and the question, Shall the said Bill pass the third reading, was determined in the affirmative—Yeas 90, Nays 16.

The Yeas and Nays demanded by Mr. Washington.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
Beaman,
Bridgers,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Collins,
Cunningham,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Edwards,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Fleming,
Gambill,
Gee,
George,
Golding,
Grist,
Guyther,
Hackney,
Hamrick,
Harrison,
Haughton,
Hayes,

Messrs. Kelly,
Leathers,
Littlejohn,
Lord,
Mangum,
Martin,
Mebane,
Miller,
Mills,
Mitchell,
Moore,
Murphy,
McIntyre,
McNair,
McNeill,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Purveyor,
Regan,
Reid,
Reinhardt,
Richardson,
Roane,
H. Robinson,
T. Robinson,
Rush,
Scales,
Sharpe,
Smith,
Street,
Taliafero,
Thrash,
Trull,
Waddill,
Watters,
White,
R. P. Williamson,

Jackson,
Jones,
Keener,

N. Wilson,
T. Wilson,
Woodward.—90.

Those who voted in the negative, were

Messrs. E. Barnes,
J. Barnes,
Bond,
Brame,
Credle,
Foy,
Hawkins,
Kirk,

Messrs. Lenmond,
Locke,
Prentiss,
Stone,
Washington,
Whitehurst,
Wilder,
N. L. Williamson.—16.

Ordered that said Bill be Engrossed.

Mr. Clayton presented a Bill for the better regulation of Common Schools, for Henderson County.

Which was read the first time, passed, and referred to the Committee on Education.

The House now proceeded to the execution of the joint order, viz: to vote for a Public Treasurer of the State, Messrs. Ellis and Poindexter being superintendents of the election on behalf of the Commons.

The House voted as follows:

FOR CHARLES L. HINTON.

Messrs. Speaker,
Adams,
Barco,
D. A. Barnes,
Bond,
Brown,
Brower,
Burgin,
Caldwell,

Messrs. Haughton,
Hayes,
Keener,
Leathers,
Littlejohn
Locke,
Lord,
Mebane,
Miller,

Calloway,
 Cherry,
 Church,
 Clayton,
 Cochran,
 Credle,
 Davenport,
 Davis,
 W. Dickson,
 Doak,
 Douthit,
 Edwards,
 Ehringhaus,
 Emerson,
 Fagg,
 Faucett,
 Foy,
 Gambill,
 Gee,
 George,
 Golding,
 Grist,
 Guthrie,
 Guyther,
 Hackney,
 Harris,

Mills,
 Moore,
 McNair,
 Odom,
 R. T. Paine,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Pratt,
 Prentiss,
 Puryear,
 Reid,
 Roane,
 T. Robinson,
 Rush,
 Sharpe,
 Smith,
 Street,
 Thrash,
 Trull,
 Waddill,
 Washington,
 Watters,
 Whitehurst,
 T. Wilson.—70

FOR JOHN H. WHEELER.

Messrs. Atkins,
 E. Barnes,
 J. Barnes,
 Beaman,
 Brame,
 Bridgers,
 Brogden,
 Bullock,
 Collins,
 Cunningham,
 J. G. Dickson,
 Dunn,
 Ellis,

Messrs. Mangum,
 Martin,
 Mitchell,
 Murphy,
 McIntyre,
 McNeill,
 Nixon,
 Rankin,
 Regan,
 Reinhardt,
 Richardson,
 H. Robinson,
 Scales,

Fleming,
Graves,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lemmond,

Shaw,
Shepard,
Stone,
Taliaferro,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—46.

Mr. Ellis, from the Committee appointed to conduct this election, reported that Chas. L. Hinton had received a majority of the whole number of votes, and that he was duly elected Public Treasurer of the State of North Carolina.

The report was concurred in.

Mr. Ehringhaus presented a petition from sundry citizens of Pasquotank County, praying that Davis Hooker, heretofore convicted of Petit Larceny, may be restored to credit.

Said petition was referred to the Committee on Propositions and Grievances.

On motion of Mr. T. Wilson,

Ordered, That a message be sent to the Senate, proposing to raise a Joint Select Committee, consisting of four on the part of each House, whose duty it shall be to make suitable arrangements for the reception of His Excellency, Wm. A. Graham, on the first day of January next, to take the oaths of office.

Mr. Lord, from the Committee on Propositions and Grievances, reported with an amendment the Resolution in favor of John Hill and others.

When the same was read the second time, amended and passed.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Bill, entitled a Homestead Bill.

When the same was, on motion of Mr. Moore, laid on the table.

Mr. Moore, from the same Committee, reported unfavorably on the Resolution in favor of Eli McKee, of Macon County.

When the same was read the second time and rejected.

Mr. Washington presented a Bill to amend an Act, entitled an Act, for the establishment and better regulation of Common Schools.

Which was read the first time and passed, and laid on the table.

Mr. Mebane presented a Bill, to alter the time of holding the Superior Courts of Law and Equity for the Counties of Guilford and Orange

Which was read the first time and passed, and referred to the Committee on the Judiciary.

The House now proceeded to the special order of the day, and took up for consideration the Bill to locate the residence of the Judges of the Superior Courts, hereafter to be elected.

Pending the question, "Shall said Bill pass the second reading," the House, on motion, adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, DEC. 18, 1844.

On motion of Mr. Puryear, a message was sent to the Senate, proposing to vote immediately for a Trustee of the University, and informing that the names of R. M. Pearson, D. F. Caldwell, Michael Francis, and Wm. W. Avery, are withdrawn from the nomination.

Mr R. T. Paine, from the Committee on the Judiciary, reported unfavorably on the Bill concerning the election of Constables, in the County of Iredell.

When said Bill was, on motion of Mr. Emerson, laid on the table.

Mr. Ehringhaus, from the Committee on Military Affairs, to whom the subject was referred, reported a Bill to form and establish a new Regiment out of the Militia in the County of Union.

Which was read the first time and passed.

Mr. Ehringhaus, from the same Committee, reported a Bill to divide the Militia of Anson County into two Regiments.

Which was read the first time and passed.

Received from the Senate a message, agreeing to the proposition of this House, to vote immediately for a Trustee of the University, and informing that Messrs. Lindsay and Speight form their branch of the Committee to conduct the election.

Ordered, that Messrs Puryear and Kelly compose this Committee on behalf of the Commons.

The House then voted as follows :

FOR N. L. WILLIAMS.

Messrs. Speaker,

Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Foy,

Messrs. Harris,

Haughton,
Hayes,
Jackson,
Keener,
Locke,
Lord,
Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payna,
Perkins,
Phifer,
Poindexter,
Prentiss,
Puryear,
Reid,
Roane,
T. Robinson,
Rush,

Gambill,
Gee,
George,
Golding,
Graves,
Grist,
Guthrie,
Guyther,
Hackney,
Hamrick,

Sharp,
Smith,
Street,
Taliafero,
Thrash,
Trull,
Washington,
Whitehurst,
T. Wilson.—67.

FOR CADWALLADER JONES, SEN.

Messrs. Atkins,
E. Barnes,
Beaman,
Bridgers,
Brogden,
Cunningham,
J. G. Dickson,
Edwards,
Ellis,
Faucett,
Fleming,
Jones,
Kelly,
Kirk,
Lea,
Leathers,
Lemmond,
Mebane,

Messrs. Mitchell,
Murphy,
McIntyre,
McNeill,
Pratt,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Watters,
White,
Wilder,
N. L. Williamson,
R. P. Williamson.—35.

FOR THOMAS G. STONE.

Messrs. Brame,
Bullock,
Collins,
Harrison,

Messrs. Hawkins,
Martin,
Stone,
N. Wilson.—8.

Mr. Puryear from the Committee appointed to conduct this election, reported that Nicholas L. Williams had received a majority of the whole number of votes, and that he was duly elected.

The report was concurred in.

Mr. Cunningham presented a Bill to amend an Act, entitled an Act, concerning Hunting.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Ellis, from the Committee on Privileges and Elections, reported with sundry amendments, the Bill providing for the appointment of Engrossing Clerks.

When, on motion of Mr. Graves, the Bill and amendments were made the order of the day for Monday next.

Received a message from the Senate, informing that they had passed the following Resolution, and asking the concurrence of this House, viz:

Resolved, That a message be sent to the House of Commons, proposing to raise a Joint Select Committee of Four, on the part of each House, to enquire whether it would not be proper for the present General Assembly to make some public manifestation of respect for the memory of the late William Gaston, and if so, to enquire further, what means should be adopted for the purpose of testifying the high and abiding veneration in which the exalted virtues and talents of the deceased are held by the citizens of North Carolina.

The said Resolution was read, and on motion of Mr. Washington,

Ordered, That the Senate be informed that the House of Commons do unanimously concur therein.

Mr. Brame presented a Bill to revive an Act for the better regulation of the Town of Warrenton, in Warren County.

Which was read the first time and passed.

Mr. Miller, from the Committee on Claims, reported unfavorably on the Claims against the State in favor of Stephen Moore.

When the same was laid on the table.

Received a message from the Senate, agreeing to the proposition of this House, to raise a Joint Select Committee to make arrangements for the qualification of His Excellency, Wm. A. Graham, as Governor of the State, and informing that Messrs. Shepard, Cameron, Joyner, of Halifax, and Gwynn, compose their branch of this Committee.

Ordered, that Messrs. Wilson, of Perquimons, Mebane, Graves, and Bridgers, form said Committee on behalf of the Commons.

A message from the Senate, informing that Messrs. Tayloe and Biggs form their branch of the Joint Select Committee to examine into the state of the Furniture in the Governor's House.

Mr. D. A. Barnes, from the Committee on Private Bills, reported unfavorably on the Bill to incorporate Washington Academy, in the County of Duplin.

Which was read the second time and rejected.

Mr. Moore presented a memorial from the officers of the 15th regiment of Militia, suggesting amendments in the Militia laws.

Said memorial was referred to the Committee on Military Affairs.

Mr. Puryear presented a Bill to repeal in part the 11th section of the sixty-second chapter of the Revised Statutes, concerning the Powers and Jurisdiction of Justices of the Peace, and to amend the same.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Washington presented a Resolution in favor of Adrian H. Van Bokkelen.

Which was read the first time, passed, and referred to the Committee on Claims.

Mr. Moore, from the Committee on the Judiciary, reported with amendments the Bill in addition to the Revised Statutes, entitled "Wills and Testaments"—to amend the same, and to repeal part of the 15th Section of the Revised Statutes, entitled "Lands of Deceased Debtors."

The amendments were read and agreed to, and the Bill as amended, read the second time and passed, and ordered to be printed.

Mr. Moore, from the same Committee, reported with amendments the Bill to amend the first clause of the 6th Section of the Revised Statutes, Chapter 1st, extending the jurisdiction of Justices of the Peace.

The amendments were concurred in, and the Bill read the second time and passed.

Mr. Moore, from the same Committee, reported with sundry amendments the Bill concerning the Writ of Replevin.

The amendments were concurred in, and the Bill, on motion of Mr. Graves, ordered to be laid on the table and be printed.

Mr. Leathers presented the following Resolution, viz :

WHEREAS, there appears from the Report of the Committee on Fi-

nance, that there is a deficiency of eighty-one dollars in the Public Treasury. Therefore,

Resolved, That John H. Wheeler, Treasurer, be requested by Chas. L. Hinton, the Treasurer elect, to pay into the Public Treasury the said sum of eighty-one dollars; and upon refusal of said Wheeler to pay the said eighty-one dollars, that the Attorney General of the State be, and he is hereby directed to bring suit against said Wheeler, on his official Bond, for the recovery of the amount aforesaid.

Mr. Moore moved to amend the same, by adding the following *Proviso*:

Provided, however, that the Attorney General shall not release any incompetent witness offered on behalf of the State, so as thereby to make competent any witness who, by the rules now regulating the competency of witnesses, is incompetent.

The question on the adoption of this amendment, was decided in the negative.

The question recurring on the adoption of said Resolution, was decided in the affirmative—Yeas 69, Nays 41.

The Yeas and Nays demanded by Mr. Harris.

Those who voted in the affirmative, were

Messrs. Adams,

Barco,

D. A. Barnes,

Bond,

Brogden,

Brower,

Brown,

Burgin,

Caldwell,

Calloway,

Cherry,

Church,

Clayton,

Cochran,

Credle,

Davenport,

Davis,

W. Dickson,

Doak,

Douthit,

Messrs. Harrison,

Haughton,

Hayes,

Jackson,

Keener,

Kirk,

Leathers,

Littlejohn,

Locke,

Lord,

Mebane,

McLean,

McNair,

Odom,

R. T. Paine,

C. L. Payne,

Perkins,

Poindexter,

Pratt,

Puryear,

Dunn,
 Ehringhaus,
 Emerson,
 Fagg,
 Faucett,
 Foy,
 Gambill,
 Gee,
 George,
 Golding,
 Grist,
 Guthrie,
 Guyther,
 Hackney,
 Harris,

Roane,
 T. Robinson,
 Rush,
 Sharpe,
 Smith,
 Street,
 Taliafero,
 Thrash,
 Trull,
 Waddill,
 Washington,
 Watters,
 Whitehurst,
 T. Wilson.—69.

Those who voted in the negative, were

Messrs. Atkins,
 E. Barnes,
 J. Barnes,
 Beaman,
 Brame,
 Bullock,
 Collins,
 Cunningham,
 J. G. Dickson,
 Edwards,
 Ellis,
 Fleming,
 Graves,
 Hamrick,
 Hawkins,
 Jones,
 Kelly,
 Lea,
 Lemmond,
 Mangum,
 Martin,

Messrs. Mitchell,
 McIntyre,
 McNeill,
 Nixon,
 Phifer,
 Rankin,
 Regan,
 Reid,
 Reinhardt,
 Richardson,
 H. Robinson,
 Sanders,
 Scales,
 Shepard,
 Stone,
 White,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson.—41.

Ordered that said Resolution be Engrossed, and sent to the Senate for concurrence.

Mr. Taliaferro presented a petition from sundry citizens of Surry County, praying the passing of a law to compel John H. Dobson to erect a sufficient slope for the passage of fish over his Forge Dam, across Fisher's River.

Which was referred to the Committee on Propositions and Grievances.

Mr. Nixon presented a memorial from the Commissioners of the Town of Wilmington, praying to be reimbursed certain expenditures, incurred in erecting certain works of defence near said Town during the last war with England.

Which was referred to the Committee on Claims.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, DEC. 19, 1844.

Mr. Gambill presented a memorial from sundry commissioned officers of the 74th Regiment of Militia, on an alteration in the Militia laws.

Which was referred to the Committee on Military Affairs.

Mr. Reinhardt presented a Bill to incorporate the Directors of the Loretz Beneficiary Fund, founded on petition.

Which was read the first time, passed, and referred to the Committee on Education.

Mr. Locke presented a Bill to open the Pedee and Yadkin Rivers.

Which was read the first time, passed, and ordered to lie on the table.

Mr. Grist presented a memorial from Benjamin Swaim, of Randolph County, proposing to furnish the State with the "North Carolina Justice," on certain terms mentioned.

Said memorial was read, and on motion of Mr. Grist, ordered that a message be sent to the Senate, proposing to refer the same to a Joint Select Committee of two from the Senate, and four from the House of Commons.

Mr. Poindexter, from the Committee on the Judiciary, reported with amendments the Bill to repeal in part the 11th Section of the 62d Chapter of the Revised Statutes, concerning the Powers and Jurisdiction of Justices of the Peace, and to amend the same.

The amendments were concurred in.

Mr. Kirk moved to amend the first section, by striking out the word "four," and inserting "two."

This amendment was rejected.

Mr. Davenport moved that the said Bill be indefinitely postponed.

The question thereon was decided in the negative—Yeas 52, Nays 58.

The Yeas and Nays called for by Mr. Puryear.

Those who voted in the affirmative, were

Messrs. Atkins,
Barco,
E. Barnes,
D. A. Barnes,
J. Barnes,
Beaman,
Brame,
Brower,
Bullock,
Cherry,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
Douthit,
Dunn,
Edwards,
Ehringhaus,
Faucett,
Graves,

Messrs. Houghton,
Jackson,
Kelly,
Kirk,
Lea,
Lemmond,
Littlejohn,
Locke,
Mangum,
Martin,
Murphy,
McIntyre,
McNair,
McNeill,
Odom,
Perkins,
Regan,
Reid,
Reinhardt,
Richardson,
H. Robinson,
Sharpe,

Hamrick,
Harris,
Harrison,
Hawkins,

Shepard,
Wilder,
R. P. Williamson,
N. Wilson.—52.

Those who voted in the negative, were

Messrs. Adams,
Bond,
Bridgers,
Brogden,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
W. Dickson,
J. G. Dickson,
Doak,
Ellis,
Emerson,
Fagg,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Hayes,
Jones,
Keener,
Lord,

Messrs. Mebane,
Miller,
Mitchell,
Moore,
McLean,
C. L. Payne,
Phifer,
Poindexter,
Pratt,
Prentiss,
Puryear,
Rankin,
Roane,
T. Robinson,
Rush,
Sanders,
Scales,
Smith,
Stone,
Street,
Taliafero,
Thrash,
Trull,
Washington,
Watters,
White,
Whitehurst,
N. L. Williamson,
T. Wilson.—58.

The question recurring on the passage of the Bill the second reading, was decided in the affirmative—Yeas 60, Nays 51.

The Yeas and Nays demanded by Mr. Taliafero.

Those who voted in the affirmative, were

Messrs. Adams,
Bond,
Brogden,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
W. Dickson,
J. G. Dickson,
Doak,
Ellis,
Emerson,
Fleming,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Hayes,
Jones,
Keener,
Kelly,
Lord,
Mebane,

Messrs. Miller,
Mitchell,
Moore,
McLean,
Nixon,
C. L. Payne,
Phifer,
Poindexter,
Pratt,
Prentiss,
Purvey,
Rankin,
Reinhardt,
Roane,
T. Robinson,
Rush,
Sanders,
Scales,
Smith,
Street,
Taliaferro,
Thrash,
Trull,
Washington,
Watters,
White,
Whitehurst,
N. L. Williamson,
N. Wilson,
T. Wilson.—60.

Those who voted in the negative, were

Messrs. Atkins,
Barco,
J. Barnes,
E. Barnes,
D. A. Barnes,
Beaman,

Messrs. Hawkins,
Haughton,
Jackson,
Kirk,
Lea,
Lemmond,

Brame,
 Bridgers,
 Brower,
 Bullock,
 Cherry,
 Cochran,
 Collins,
 Credle,
 Cunningham,
 Davenport,
 Davis,
 Douthit,
 Dunn,
 Edwards,
 Ehringhaus,
 Faucett,
 Graves,
 Hamrick,
 Harris,
 Harrison,

Littlejohn,
 Locke,
 Mangum,
 Martin,
 Murphy,
 McIntyre,
 McNair,
 McNeill,
 Odom,
 Perkins,
 Regan,
 Reid,
 Richardson,
 H. Robinson,
 Sharp,
 Shepard,
 Stone,
 Wilder,
 R. P. Williamson.—51.

The following persons were appointed to compose the Joint Select Committee on the part of this House, on the Joint Resolution yesterday adopted, in relation to the death of the Hon. William Gaston, viz: Messrs. Washington, Poindexter, Graves and Ellis.

Mr. Grist presented a Bill to incorporate a Volunteer Infantry Company in Washington, Beaufort County.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Brogden, from the Committee on Claims, reported with an amendment the Resolution in favor of Arthur S. Mooring, Sheriff of Martin County.

The amendment was concurred in, and the Resolution read the second time and passed.

Mr. Bridgers, from the Committee on the Judiciary, reported with an amendment the Bill concerning the Superior Courts of Currituck County.

The amendment was agreed to, and the Bill read the second time and passed.

Mr. Washington, from the same Committee, reported unfavorably on the Bill concerning County Solicitors.

When said Bill was read and rejected.

Mr. Lord, from the same Committee, reported a Bill to amend the 8th Section of the 50th Chapter of the Revised Statutes, entitled an Act concerning Frauds and Fraudulent Conveyances.

Which was read the first time and passed.

Mr. Whitehurst presented a petition from sundry citizens of Carteret County, relating to Fees allowed the Sheriff of said County.

Which was referred to the Committee on Private Bills.

Mr. D. A. Barnes, from the Committee on Private Bills, reported with an amendment, a Bill to prevent the felling of Timber in the Water courses of the County of Guilford.

The amendment was concurred in, and the Bill read the second time and passed.

Received a message from the Senate, informing that they had passed the Engrossed Bil to confirm a sale by James W. Guinn, Agent for the State, and asking the concurrence of this House.

The said Bill was read the first time and passed.

On motion of Mr. Douthit, the Bill to open the Pedee and Yadkin Rivers, was referred to the Committee on Propositions and Grievances.

Mr. Bond, who voted in the majority on the Resolution adopted yesterday in relation to the deficiency in the Treasury under the administration of John H. Wheeler, late Public Treasurer, moved that the House do now reconsider the vote by which the same was adopted.

Mr. C. L. Payne moved that the said motion to reconsider be postponed indefinitely.

The question thereon was decided in the affirmative—Yeas 61, Nays 53.

Yeas and Nays demanded by Mr. Caldwell.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Brower,
Brown,
Burgin,
Caldwell,

Messrs. Haughton,
Hayes,
Kecher,
Leathers,
Littlejohn,
Locke,
Lord,

Calloway,	Mebane,
Cherry,	Miller,
Church,	Moore,
Clayton,	McNair,
Cochran,	Odum,
Credle,	R. T. Paine,
Davenport,	C. L. Payne,
Davis,	Perkins,
W. Dickson,	Poindexter,
Doak,	Pratt,
Douthit,	Prentiss,
Ehringhaus,	Puryear,
Emerson,	Roane,
Fagg,	T. Robinson,
Faucett,	Rush,
Foy,	Sharpe,
Gambill,	Smith,
Gee,	Thrash,
George,	Trull,
Golding,	Waddill,
Grist,	Washington,
Guthrie,	Watters,
Hackney,	T. Wilson.—61
Harris,	

Those who voted in the negative, were

Messrs. Atkins,	Messrs. Mangum,
E. Barnes,	Martin,
J. Barnes,	Mitchell,
Beaman,	Murphy,
Bond,	McIntyre,
Brame,	McNeill,
Bridgers,	Nixon,
Brogden,	Rankin,
Bullock,	Reid,
Collins,	Reinhardt,
Cunningham,	Richardson,
J. G. Dickson,	H. Robinson,
Dunn,	Sanders,
Edwards,	Scales,
Ellis,	Shaw,
Fleming,	Shepard,

Graves,
Guyther,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Stone,
Street,
Taliafero,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—53.

Mr. Fleming presented a Protest, which by the House was ordered to be spread upon the Journal, in the words following, viz :

“ The undersigned, differing in opinion from those who voted in favor of the Resolution instructing the Attorney General, in a certain event, to institute suit against John H. Wheeler, Public Treasurer, for eighty-one dollars, would most respectfully request that the reasons of said difference of opinion, or some of them at least, may be placed on the Journals of this House, least his vote might be construed into an unwillingness to investigate the subject ; which he is not only willing, but anxious, should be properly investigated, and the money recovered from whoever may be found liable, whether it be Page, Wheeler, or Hinton. But the reasons for voting against the Resolution are, first, because in the opinion of the undersigned, the suit must fall, in the event it is instituted, against Wheeler, as he has exhibited vouchers from under the proper authority, which are admitted by the Committee of Finance to be genuine for all claims that he appears to be responsible : and that, in this particular case, Page has receipted, as I am informed, on the back of the certificate, for the amount in full ; which is evidence, in the opinion of the undersigned, that will exclude his testimony, it being a maxim in law, that no man shall take advantage of his own wrong. If, therefore, his evidence is excluded, the suit must fall, and the State pay the costs. But, sir, if his evidence is received, there is odds against it ; there is not only his own receipt over his proper signature, but Wheeler’s statement and Wheeler’s books—all of which records are made under oath, and who must at least be as disinterested as Page. So there is three chances to one against a recovery, if Page’s testimony is admitted. This is the situation, taking the strongest presumption against Wheeler.

But on the other hand, here is written evidence, at least, that the money was paid. In the first place, Page admits that he got the eighty-

one dollars of Hinton, and not of Wheeler; and his receipt for that amount, from all the evidence, never appears to have went into the hands of Col. Wheeler, but was passed to the Comptroller before Wheeler came into office, and consequently without his knowledge.— It is, therefore, not only a fair, but legal presumption, that he paid the two hundred and twenty-eight dollars according to certificate, when presented, as not only his Books, but Page's Receipt, on the back of the certificate, assert. So that without expressing an opinion as to where the moral obligation rests, it is at least in my mind, very questionable where the legal responsibility lies. It may farther be questioned, whether the payment made by Hinton, although agreeable to custom, and not morally wrong, may not in a legal point of view, be an improper voucher, as I understand it was not properly authenticated by the Speaker, and like all other receipts of the same class, it was not transferred to the new Treasurer, as it should have been, to be deducted from the two hundred and twenty-eight dollar certificate, at the end of the Session.

So that from the different points involved in the controversy, I could not vote for an absolute Resolution, to sue any one, and preclude a suit against the rest, when we would stand at least two chances to lose, to one to gain it; and more particularly, when the only evidence against the Treasurer, is that of the very party alleged by the Treasurer to have received the money, whose certificate proves the fact, and whose testimony was objected to by the minority of the Finance Committee.

The Resolution ought, in my humble opinion, to have authorized the Attorney General to have examined all the evidence in the case, and then to have instituted suit for the recovery of the money from the person properly liable, whether it was Wheeler, Hinton, or Page; and then there would have been some probability of a recovery, which in my opinion, the present Resolution precludes. And I further object to any Resolution, impeaching the integrity of any Officer of our State, unless the proof is evident, or the presumption great, as the character of our public functionaries are the greatest jewels of our crown, and the respectability of our State consists in the integrity of our sons, and the virtue of our daughters.

Respectfully submitted,
SAMUEL FLEMING.

Dec. 19, 1844."

On motion, the House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, DEC. 20, 1844.

Mr. Caldwell introduced the following Resolution, which was read and adopted, viz:

Resolved, That the House during the residue of the Session, shall take a recess every day, from half after one o'clock, P. M. till three o'clock, P. M. and it shall be the duty of the Speaker, when the hour for taking a recess arrives, to announce that fact to the House, whereupon all business shall be suspended until the hour for re-assembling.

Mr. Hawkins presented a Resolution for the relief of Thomas W. Rooker.

Which was read, adopted, and ordered to be Engrossed.

Received a message from the Senate, informing that Messrs. Cameron, Joyner, of Halifax, Pasteur, and Francis, form the Senate's branch of the Joint Select Committee, to enquire into the propriety of making some public manifestation of respect for the memory of the late Judge Gaston.

On motion of Mr. Cherry,

Ordered, That the communication of Samuel F. Patterson, President of the Raleigh & Gaston Rail Road, in answer to a Resolution of this House, of the 11th inst. be printed.

Mr. Hayes presented a Petition from sundry citizens of Cherokee County, together with a Bill to carry the prayer of the petitioners into effect, entitled a Bill to lay off a public Road in Cherokee County, and to make an appropriation for the same.

The said Bill was read the first time, passed, and referred, together with the Petition, to the Committee on Internal Improvement.

Mr. Shepard presented a Bill concerning Sheriffs and Constables.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Nixon presented a Bill, assenting to the purchase by the United States, of certain Land in the Town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain limitations and conditions therein contained.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Fleming presented a Bill authorizing Sheriffs and their successors in office, to make title in certain cases.

Which was read the first time, passed, and referred to the Committee on the Judiciary.

Mr. Fagg presented a Petition from certain citizens of Buncombe County, asking the passage of a law, allowing William B. Hammonds, a man of color, to preach.

Said Petition was read and referred to the Committee on Propositions and Grievances.

Mr. Reid presented a Resolution respecting the Public Arms of this State.

Which was read, and on motion of Mr. Hawkins, laid on the table.

Mr. Shepard presented a Bill founded on a petition from the Principals of the North Carolina Military Academy, entitled a Bill to loan to the North Carolina Military Academy at Raleigh, for the use of the Cadets thereof, the necessary Military Arms and Equipments.

Said Bill was read the first time, passed, and referred to the Committee on Military Affairs.

Mr. Nixon presented a Bill for a Canal from Cape Fear to Lumber River.

Which was read the first time, passed, and referred to the Committee on Internal Improvement.

Mr. Grist, from the Select Committee raised on the subject, reported the Bill to secure the citizens of this State the right of Fishing in the navigable waters of the State, with an amendment.

The amendment was concurred in, and on motion of Mr. Jones, said Bill was laid on the table.

Mr. Moore, from the Committee on the Judiciary, reported with an amendment, the Bill for the relief and benefit of Orphans.

The amendment was concurred in, and the Bill, as amended, read the second time and passed.

Mr. Lord, from the Committee on Propositions and Grievances, to whom was referred the petition from the County of Pasquotank, praying the enactment of a law restoring Davis Hooker to the rights of citizenship, reported unfavorably thereon, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported unfavorably on the petition from Surry, praying a law to be passed to compel John

Mr. Dobson to build a slope over his Forge Dam on Fisher's River, and asked that the Committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported unfavorably on the petitions from Orange and Burke, praying an alteration in the mode of electing Constables for said Counties.

The report was concurred in.

Mr. Lord, from the same Committee, reported unfavorably on the location of a new County named Lafayette, out of a portion of Rutherford; and also unfavorably on the petition from citizens of Halifax, Warren and Northampton, praying the erection of a new County out of a portion of said Counties, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Washington presented a petition from sundry citizens of the Town of Newbern, praying an exemption of certain emancipated Slaves from the operation of the laws requiring their removal from the State.

Said petition was referred to the Committee on Propositions and Grievances.

Mr. Washington presented a Bill, concerning Passengers in Vessels coming to the Ports of this State.

Which was read the first time, and passed, and referred to the Committee on the Judiciary.

The House now proceeded to the order of the day, and took up the Bill to locate the residences of Judges of the Superior Courts, hereafter to be elected.

Mr. Guthrie moved to strike out the enacting clause of the Bill, and demanded the Yeas and Nays.

Pending the question on this motion, the House, under the rule adopted to-day, took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House resumed the consideration of the question in which

they were last engaged, and after discussion, Mr. Lord moved that the House adjourn until to-morrow morning 10 o'clock.

The question thereon was decided in the negative—Yeas 23, Nays 85.

The Yeas and Nays demanded by Mr. Lord.

Those who voted in the affirmative, were

Messrs. Church,
Cochran,
Ellis,
Graves,
Hawkins,
Lea,
Littlejohn,
Lord,
Martin,
Miller,
McIntyre,
McLean,

Messrs. McNair,
McNeill,
C. L. Payne,
Poindexter,
H. Robinson,
Sanders,
Scales,
White,
Wilder,
R. P. Williamson,
N. Wilson.—23.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Clayton,

Messrs. Hayes,
Jackson,
Jones,
Keener,
Kelly,
Kirk,
Leathers,
Lemmond,
Locke,
Mangum,
Mebane,
Mitchell,
Moore,
Murphy,
Odom,
R. T. Paine,
Perkins,

Collins,
 Credle,
 Cunningham,
 Davenport,
 Davis,
 W. Dickson,
 J. G. Dickson,
 Doak,
 Douthit,
 Dunn,
 Edwards,
 Ehringhaus,
 Emerson,
 Fagg,
 Faucett,
 Fleming,
 Foy,
 Gambill,
 Gee,
 George,
 Golding,
 Grist,
 Guthrie,
 Guyther,
 Hackney,
 Hamrick,

Pratt,
 Puryear,
 Rankin,
 Regan,
 Reid,
 Reinhardt,
 Richardson,
 Roane,
 T. Robinson,
 Rush,
 Sharpe,
 Shaw,
 Shepard,
 Smith,
 Stone,
 Street,
 Taliafero,
 Thrash,
 Trull,
 Washington,
 Watters,
 Whitehurst,
 N. L. Williamson,
 T. Wilson,
 Woodward.—85.

The question, being on the motion to strike out the first section of the Bill, was decided in the negative—Yeas 54, Nays 55.

Those who voted in the affirmative, were

Messrs. Brower,
 Brown,
 Burgin,
 Calloway,
 Church,
 Cochran,
 Cunningham,
 Davis,
 W. Dickson,

Messrs. Locke,
 Lord,
 Mangum,
 Martin,
 Mebane,
 Miller,
 McLean,
 McNair,
 Phifer,

Doak,	Poindexter,
Douthit,	Pratt,
Dunn,	Purveyer,
Ellis,	Reid,
Emerson,	T. Robinson,
Faucett,	Rush,
Gambill,	Scales,
George,	Shaw,
Golding,	Smith,
Graves,	Stone,
Guthrie,	Street,
Hackney,	Taliaferro,
Keener,	Trull,
Kirk,	Waddill,
Lea,	White,
Leathers,	Wilder,
Lemmond,	R. P. Williamson,
Littlejohn,	N. Wilson.—54.

Those who voted in the negative, were

Messrs. Adams,	Messrs. Hayes,
Atkins,	Jackson,
Barco,	Jones,
D. A. Barnes,	Kelly,
E. Barnes,	Mitchell,
J. Barnes,	Moore,
Beaman,	Murphy,
Bond,	McIntyre,
Brame,	Odom,
Bridgers,	R. T. Paine,
Brogden,	Perkins,
Caldwell,	Rankin,
Cherry,	Regan,
Clayton,	Reinhardt,
Collins,	Richardson,
Credle,	Roane,
Davenport,	H. Robinson,
J. G. Dickson,	Sanders,
Edwards,	Sharpe,
Ehringhaus,	Shepard,
Fagg,	Thrash,

Fleming,
Foy,
Gee,
Grist,
Guyther,
Hamrick,
Hawkins,

Washington,
Watters,
Whitehurst,
N. L. Williamson,
T. Wilson,
Woodward.—55.

The question then recurring on the passage of the Bill the second time,

On motion, the House adjourned till to-morrow morning 10 o'clock.

SATURDAY, DEC. 21, 1844.

On motion of Mr. Mebane,

Resolved, That a message be sent to the Senate, proposing to postpone the Joint Order for the appointment of Magistrates until this day week.

Mr. Haughton presented a Bill, to incorporate the Town of Pittsboro', in the County of Chatham.

Which was read the first time and passed, and referred to the Committee on Private Bills.

On motion of Mr. Ellis,

Resolved, That the special orders of the day shall hereafter be taken up in this House, at the hour of 12 o'clock, and all other business suspended for that purpose; and it shall be the duty of the Speaker to announce to the House when the hour of 12 arrives.

Mr. Burgin presented a petition from sundry citizens of Me-

Dowell County, praying the passage of a law, requiring the Courts of said County to be held hereafter at Marion, the County Town.

This petition was referred to the Committee on Propositions and Grievances.

Mr. R. T. Paine called up for consideration, the Bill to secure to citizens of this State the right of fishing in the navigable waters of the State.

Mr. Jones moved to amend said Bill, by adding the following *Proviso*:

Provided, however, That none of the provisions contained in this Act shall extend to citizens of Currituck County, who have been residents of said County for the space of twelve months, immediately preceding the exercise and enjoyments of the rights of fishing, as now allowed by law.

The question on the adoption of this amendment, was decided in the negative.

The said Bill then passed the second reading.

Mr. Roane presented a Resolution in favor of J. R. Edwards.

Which was read the first time and passed, and referred to the Committee on Cherokee Lands.

Mr. Kelly presented a Bill, to incorporate Dunn Faison Academy, in the County of Duplin.

Which was read the first time and passed.

Mr. Church presented a Bill, to amend an Act, entitled an Act, for the further relief of Poor Debtors.

Which was read the first time and passed, and referred to a Select Committee, consisting of Messrs. Church, Fagg, Cherry, Shepard and Kelly.

Mr. Street presented a Bill, for the better regulation of Common Schools.

Which was read the first time and passed, and referred to the Committee on Education.

Mr. Hayes presented a Resolution in favor of Henry Moss.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. Trull presented a Bill, to compel the Entry-taker and Standard-keeper of Union County to keep their Offices at the Court House.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Mr. Poindexter moved that the House do now proceed to the unfinished business of yesterday, and resume the consideration of the Bill to locate the residence of Judges of the Superior Courts, hereafter to be elected.

The motion prevailed.

Mr. Ellis moved to amend said Bill, by adding the following:

And that the law now requiring the Judges of said Superior Courts to allot the Circuits among themselves, or allows them to exchange Courts, is hereby repealed; and every Judge shall be required to ride the circuit in which he resides, and for which he was elected.

This amendment was rejected.

Mr. Mills moved to strike out the whole of said Bill after the enacting clause, and insert as an amendment, the following:

That the State of North Carolina shall be, and is hereby divided into two divisions: The Eastern division to be composed of the three first Judicial Circuits in the State, and the Western division to be composed of the four remaining Circuits in the State; and that hereafter, in all elections for a Judge of the Superior Courts, the Legislature shall designate for which division the appointment is made—so as to elect for the Eastern division three Judges, and for the Western division four Judges. And it shall be the duty of each Judge so elected, to reside within the limits of the division for which he shall be chosen, and on failure so to do, he shall forfeit his office.

Provided, however, That this Act shall not be so construed as to alter the law, which now requires the Judges of said Superior Courts to allot the Circuits among themselves, or allows them to exchange Courts.

The question on the adoption of this amendment was decided in the negative—Yeas 36, Nays 77.

Yeas and Nays demanded by Mr. T. Wilson.

Those who voted in the affirmative, were

Messrs. Brower,
Burgin,
Calloway,
Church,

Messrs. Locke,
Lord,
Mills,
Mitchell,

Clayton,
Cochran,
W. Dickson,
Doak,
Dunn,
Ellis,
Emerson,
Gambill,
Golding,
Graves,
Hamrick,
Kirk,
Lea,
Lemmond,

McLean,
C. L. Payne,
Poindexter,
Reid,
Reinhardt,
Roane,
T. Robinson,
Rush,
Smith,
Thrash,
Trull,
Waddill,
R. P. Williamson,
N. Wilson.—36.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brown,
Bullock,
Caldwell,
Cherry,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
J. G. Dickson,
Douthit,
Edwards,
Ehringhaus,

Messrs. Keener,
Kelly,
Leathers,
Littlejohn,
Martin,
Mebane,
Miller,
Moore,
Murphy,
McIntyre,
McNeill,
Nixon,
Odom,
R. T. Paine,
Perkins,
Phifer,
Pratt,
Prentiss,
Puryear,
Rankin,
Regan,
Richardson,
H. Robinson,
Sanders,

Fagg,
Faucett,
Fleming,
Galling,
Gee,
George,
Grist,
Guthrie,
Guyther,
Hackney,
Harrison,
Haughton,
Hawkins,
Hayes,
Jones,

Scales,
Sharp,
Shaw,
Shepard,
Stone,
Street,
Taliafero,
Washington,
Watters,
White,
Whitehurst,
Wilder,
N. L. Williamson,
T. Wilson.—77.

The question, Shall the said Bill pass the second reading, was decided in the affirmative—Yeas 59, Nays 57.

Yeas and Nays demanded by Mr. Haughton.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Bullock,
Caldwell,
Cherry,
Clayton,
Collins,
Credle,
Davenport,
J. G. Dickson,

Messrs. Hawkins,
Hayes,
Jones,
Keener,
Kelly,
Mangum,
Moore,
Murphy,
McIntyre,
McNeill,
Nixon,
Odom,
R. T. Paine,
Perkins,
Prentiss,
Rankin,
Regan,
Richardson,
Roane,

Edwards,
 Ehringhaus,
 Fagg,
 Fleming,
 Foy,
 Gatling,
 Gee,
 Grist,
 Guyther,
 Hamrick,
 Harrison,

H. Robinson,
 Sanders,
 Sharpe,
 Shepard,
 Thrash,
 Washington,
 Watters,
 Whitehurst,
 N. L. Williamson,
 T. Wilson.—59.

Those who voted in the negative, were

Messrs. Brower,
 Brown,
 Burgin,
 Calloway,
 Church,
 Cochran,
 Cunningham,
 Davis,
 W. Dickson,
 Doak,
 Douthit,
 Dunn,
 Ellis,
 Emerson,
 Faucett,
 Gambill,
 George,
 Golding,
 Graves,
 Guthrie,
 Hackney,
 Haughton,
 Kirk,
 Lea,
 Leathers,
 Lemmond,
 Littlejohn,
 Locke,
 Lord,

Messrs. Martin,
 Mebane,
 Miller,
 Mills,
 Mitchell,
 McLean,
 McNair,
 C. L. Payne,
 Phifer,
 Poindexter,
 Pratt,
 Puryear,
 Reid,
 Reinhardt,
 T. Robinson,
 Rush,
 Scales,
 Shaw,
 Smith,
 Stone,
 Street,
 Taliaferro,
 Trull,
 Waddill,
 White,
 Wilder,
 R. P. Williamson,
 N. Wilson.—57.

Received from His Excellency, Gov. Morehead, by his Private Secretary, Mr. Reynolds, a communication urging upon the attention of the Assembly, the importance of collecting within our own State, materials for the colonial History of North Carolina.

The communication was read, and on motion of Mr. Cherry,

Ordered, That it be transmitted to the Senate, with a proposition that it be printed.

Mr. Washington, from the Select Committee raised on so much of the Governor's Message as relates to the subject, reported a Resolution for enclosing the Capitol Square.

Which was read the first time and passed.

Mr. Wilder presented a Bill to authorize the business of Banking in the State of North Carolina.

Which was read the first time, passed, and referred to a Select Committee, consisting of Messrs. Wilder, Fleming, Scales, Perkins, and Watters.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, and asking the concurrence of this House :

A Bill to lease a Silver Mine to George Southerlin, the discoverer, and for other purposes.

Also, a Bill concerning Jury Trials.

Also, a Bill to amend an Act passed January, 1841, entitled an Act to secure the State against any and every liability for the Raleigh and Gaston Rail Road Company, and for the relief of the same.

The said Bills were read the first time and passed, and the two last named Bills were referred severally to the Committee on the Judiciary

The House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Fleming presented a petition from sundry citizens of Yan-

cy County, praying the passage of a law, to restore to the privileges of citizenship, O. H. Poor, heretofore convicted of Horse Stealing.

The said petition was referred to the Committee on Propositions and Grievances.

Mr. Mills presented a petition from sundry citizens of Rutherford County, praying the passage of a law, allowing John R. McCurry to peddle without a License.

Mr. Roane presented a petition from sundry citizens of the Counties of Haywood, Macon and Cherokee, praying the establishment of a new County out of a portion of the limits thereof.

And Mr. Mebane presented a petition from certain citizens of Orange County, praying a division of said County.

These Petitions were severally referred to the Committee on Propositions and Grievances.

The Engrossed Bill, to amend an Act, entitled an Act, to change the location of the Court House of the County of Montgomery, and for other purposes, was read the second time and passed, and on motion of Mr. Cochran, two-thirds of the House concurring, the said Bill was read the third time and passed, and ordered to be Enrolled.

The Bill to amend an Act, to incorporate the President, Directors and Company of the Yadkin Toll Bridge, was, on motion of Mr. Lord, taken up.

Amended on motion of Mr. Caldwell,

And on motion of Mr. Lord, laid on the table.

Mr. Moore moved to take up this Bill again for consideration.

The motion prevailed, and on Mr. Moore's motion, the question adopting the amendments proposed by Mr. Caldwell, was reconsidered.

When said Bill, together with the proposed amendments, was laid on the table.

Received a message from the Senate, concurring in the proposition of this House, to postpone the execution of the Joint Order for the nomination of Justices of the Peace till this day week.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, DEC. 23, 1844.

Mr. R. T. Paine presented a memorial from sundry citizens of Chowan, praying the passage of a law, exempting members of Volunteer Companies from doing Military duty after a service of seven years.

Which was referred to the Committee on Military Affairs.

The Resolution respecting the Public Arms, was taken up on motion of Mr. Hawkins, and referred to the Committee on Military Affairs.

Mr. Shepard presented a memorial from sundry citizens of Wake County, protesting against the sale of the Public Square in the City of Raleigh, on which is erected the Baptist Meeting House.

Which was referred to the Committee raised on the subject of the Public Lots in said City.

Mr. Guthrie presented a Bill, to authorize the several Banks of this State to issue Bills of a less denomination than three dollars; and

Mr. Hamrick, a Bill concerning the Superior Courts of Cleaveland County.

These Bills were read the first time and passed.

The Bill to amend the 123d Chapter of the Act of the Revised Statutes, entitled an Act, concerning Wrecks and Wrecked Property;

The Bill to incorporate Cross Creek Lodge No. 4, of the Independent Order of Odd Fellows, in the Town of Fayetteville;

The Bill to incorporate the Franklinsville Guards, in the County of Randolph;

The Bill to prevent the obstructing of fish passing up the Creek called the Six Runs, in the County of Sampson;

The Bill making compensation to the Jurors of the County of Hyde;

The Bill to extend the provisions of an Act, passed at the General Assembly in 1830, entitled an Act for the relief of such persons as may suffer from the destruction of the records of Hertford County, occasioned by the burning of the Court House and Clerk's offices in said County;

The Bill to amend the 5th Section of the 19th Chapter of the Revised Statutes;

The Bill to alter the mode of appointing Constables in Tyrrell County;

The Bill concerning Rutherford County ;

The Bill to repeal an Act passed in 1828, so far as it extends to the County of Martin. And

The Resolution in favor of the Justices of Haywood County,
Were each read the second time and passed.

On motion of Mr. Mills, the said last named Resolution was again read the third time, two-thirds of the House concurring, and passed.

Ordered that said Resolution be Engrossed.

The Engrossed Bill to protect the public Bridges in Tyrrell and Washington, was read the second time, amended on motion of Mr. Sanders, and passed.

The Bill more effectually to suppress the offence of trading with Slaves, was read the second time and passed.

The Bill to exempt Justices of the Peace from working on the Public Highways, was read the second time, amended on motion of Mr. Lord, and passed.

The Bill to attach a portion of the Militia of the 69th Regiment to the 68th Regiment, was read the second time and passed.

The Resolution in favor of Priscilla Goodwin ;

The Bill to amend an Act ratified 26th January 1843, entitled an Act to punish the defaults of Returning Officers, in the election of Electors for President and Vice President of the United States ;

The Bill to incorporate a Corps of Cavalry in the County of Perquimons ;

The Bill extending the time for perfecting Titles to Lands heretofore entered ;

The Bill to alter the mode of appointing Constables in Beaufort and Northampton Counties ;

Were each read the second time and passed.

The Engrossed Resolution, authorizing the Governor to erect Grave-stones at the Graves of deceased Members of Assembly, was read the second time and passed, and on motion of Mr. Scales, two-thirds of the House concurring, the said Resolution was read the third time and passed, and ordered to be Enrolled.

The Bill to repeal part of an Act of the General Assembly, Revised Statutes, Chapter 89, Sec. 1st, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Washington ;

The Bill to provide for a vacancy in the office of County Surveyor ;

The Resolution in favor of Wm. J. Lewis;

The Bill to appoint Commissioners to view and lay off a Road in the County of Ashe;

The Bill to give to the County Courts of the County of Stanly, two Jury Terms;

The Resolution in favor of Thomas Wilson, Sheriff of Yancy County;

Were each read the second time and passed.

The Resolution in favor of Taylor & Kephart, was read the second time and passed, and referred to the Committee on Claims.

The Resolution in favor of Michael Francis, was read the second time and passed.

The Bill providing for the appointment of Engrossing Clerks, was read the second time, amended on motion of Mr. Moore, and passed.

On motion of Mr. Mehane, two-thirds of the House concurring therein, the said Bill was read the third time, passed, and ordered to be Engrossed.

Received a message from the Senate, informing that Messrs. Eaton and Elliott compose their branch of the Committee on Enrolled Bills the present week.

Ordered that Messrs. Scales, Golding, Davenport and Edwards compose said Committee on behalf of this House.

A message from the Senate, informing that they had passed the Engrossed Bill to change the location of the Court House of the County of Lincoln, and for other purposes, and asking the concurrence of this House.

The said Bill was read the first time and passed.

Mr. Shepard, from the Judiciary Committee, reported without amendment the Bill concerning Sheriffs and Constables.

When the same was read the second time and passed.

Mr. Washington presented a Resolution in favor of John I. Pasteur.

Which was read the first time and passed, and referred to the Committee on Claims.

The Bill concerning Jury Trials was read the second time and passed.

Mr. Graves, from the Committee on the Judiciary, reported a Bill, to amend the Revised Statutes, entitled an Act concerning Legacies, Filial Portions, and Distributive Shares; and the Revised Statutes, entitled "Descents."

Which was read the first time and passed.

The Bill to amend an Act, entitled an Act, for the establishment and better regulation of Common Schools, was read the second time, amended and passed.

The Bill to amend the Revised Statutes, Chapter 102, entitled an Act to provide for the collection and management of a revenue for this State, was read, and on motion of Mr. Jones, indefinitely postponed.

The House then adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Mebane presented a petition from certain citizens of Orange County, in relation to the boundaries of a Military District and the appointment of a Constable within the same.

Which was read and referred to the Committee on Military Affairs.

Mr. Street presented a Bill, to incorporate the Carthage Male and Female Academy, in the County of Moore.

Which was read the first time and passed, and referred to the Committee on Private Bills.

Mr. Fagg presented a Bill, relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

Received a message from the Senate, concurring in the proposition of this House, to print the message of His Excellency, the Governor, in relation to the early History of the State.

The Bill to authorize William Bland, of Chatham County, to construct a dam across Haw River, and to erect a Mill thereon, was read the second time.

And amended on Mr. Haughton's motion, by adding the following *Proviso* :

" *Provided, however, That the passage of Fish up Haw River, be not obstructed thereby.*"

On motion of Mr. Fleming, the question on the adoption of this amendment was re-considered.

When the said amendment was rejected, and the Bill passed the second reading.

The Resignation of Lyndon Swaim, a Justice of the Peace of the County of Guilford, was read and accepted.

Received a message from the Senate, proposing that the two Houses adjourn *sine die* on Monday the 6th day of January next.

Mr. Guthrie moved that this message lie on the table.

The question thereon was decided in the negative—Yeas 28, Nays 82.

The Yeas and Nays demanded by Mr. Shepard.

Those who voted in the affirmative, were

Messrs. Bond,

Bridgers,

Brogden,

Cochran,

W. Dickson,

Ehringhaus,

Foy,

Gatling,

Guthrie,

Harris,

Keener,

Littlejohn,

Locke,

Mangum,

Messrs. Martin,

Mitchell,

Moore,

McLean,

McNair,

R. T. Paine,

Reid,

T. Robinson,

Scales,

Waddill,

Watters,

White,

Wilder,

N. Wilson.—28.

Those who voted in the negative, were

Messrs. Adams,

Atkins,

Barco,

D. A. Barnes,

E. Barnes,

J. Barnes,

Brame,

Messrs. Jones,

Kelly,

Kirk,

Lea,

Leathers,

Lemmond,

Lord,

Brower,	Mebane,
Brown,	Miller,
Burgin,	Mills,
Caldwell,	Murphy,
Calloway,	McIntyre,
Cherry,	McNeill,
Church,	Nixon,
Clayton,	Odom,
Collins,	C. L. Payne,
Credle,	Perkins,
Davenport,	Poindexter,
Davis,	Pratt,
J. G. Dickson,	Prentiss,
Doak,	Puryear,
Douthit,	Rankin,
Dunn,	Regan,
Edwards,	Reinhardt,
Ellis,	Richardson,
Emerson,	H. Robinson,
Fagg,	Sanders,
Faucett,	Sharpe,
Fleming,	Shaw,
Gambill,	Shepard,
Gee,	Smith,
George,	Stone,
Golding,	Street,
Graves,	Taliaferro,
Grist,	Thrash,
Hackney,	Trull,
Hamrick,	Washington,
Harrison,	Whitchurst,
Haughton,	N. L. Williamson,
Hawkins,	R. P. Williamson,
Hayes,	T. Wilson.—82.

Mr. D. A. Barnes moved that a proposition be made to the Senate, to adjourn *sine die* on the second, instead of the sixth of January.

This motion was lost.

Mr. Nixon moved to postpone the further consideration of the subject, until the afternoon of the 24th inst.

The question on this motion was decided in the negative.

Whereupon, the proposition contained in the message of the Senate was concurred in.

On motion of Mr. Cherry, the Bill for the foreclosure of the mortgage of the Raleigh and Gaston Rail Road Company, was made the order of the day for to-morrow.

The Bill to set apart a Homestead Freehold to any citizen of the State of North Carolina, of the age of twenty-one years, was read the second time and amended,

And on motion of Mr. Guthrie, postponed indefinitely—Yeas 67, Nays 47.

Yeas and Nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs. Atkins,

Barco,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Brower,
Clayton,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Edwards,
Ellis,
Faucett,
Foy,
George,

Messrs. Lea,

Leathers,
Lemmond,
Locke,
Mangum,
Martin,
Mebane,
Mitchell,
Murphy,
McIntyre,
McNair,
McNeill,
Nixon,
Perkins,
Phifer,
Pratt,
Prentiss,
Rankin,
Reid,
Reinhardt,
Richardson,
H. Robinson,
T. Robinson,
Scales,
Shaw,

Graves,
Guthrie,
Hackney,
Hamrick,
Harrison,
Haughton,
Jones,
Kelly,
Kirk,

Shepard,
Stone,
Watters.
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—67.

Those who voted in the negative, were

Messrs. Adams,
D. A. Barnes,
Bond,
Brown,
Burgin,
Caldwell,
Calloway,
Cherty,
Church,
W. Dickson,
Ehringhaus,
Emerson,
Fagg,
Fleming,
Gambill,
Gatling,
Gee,
Golding,
Grist,
Guyther,
Hawkins,
Hayes,
Jackson,
Keener,

Messrs. Littlejohn,
Lord,
Miller,
Mills,
Moore,
McLean,
Odom,
R. T. Paine,
C. L. Payne,
Poindexter,
Puryear,
Regan,
Roane,
Sanders,
Sharpe,
Smith,
Street,
Taliaferro,
Thrash,
Trull,
Waddill,
Whitehurst,
T. Wilson.—47.

On motion, the House then adjourned until to-morrow morning 11 o'clock.

TUESDAY, DEC. 24, 1844.

Mr. Poindexter, from the Committee on the Judiciary, to whom was referred the Engrossed Bill to amend an Act passed January 7, 1811, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same, reported the same without amendment.

When the same was, on motion of Mr. Cherry, made the order of the day for Monday next.

Mr. Littlejohn presented the following Resolution, viz :

Resolved, That it is the duty of the General Assembly of this State, as soon as the condition of the Public Treasury will allow, to make appropriations for erecting suitable buildings for Asylums, for the Deaf and Dumb, the Blind and the Insane.

Resolved further, That His Excellency, the Governor, be requested to give this House all the information in his possession, as to the probable cost of building suitable edifices for these purposes; and also to communicate to the General Assembly any other information in his possession on the subject.

The question on the adoption of this Resolution was decided in the affirmative—Yeas 84, Nays 27.

Yeas and Nays demanded by Mr. Mebane.

Those who voted in the affirmative, were

Messrs. Atkins,

D. A. Barnes,

Beaman,

Bond,

Brower,

Brown,

Burgin,

Caldwell,

Calloway,

Cherry,

Church,

Clayton,

Messrs. Littlejohn,

Locke,

Lord,

Mebane,

Miller,

Mills,

Mitchell,

Moore,

Murphy,

McIntyre,

McLean,

McNair,

Cochran,
Credle,
Cunningham,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fauceit,
Fleming,
Foy,
Gambill,
Gatling,
Gee,
George,
Golding,
Graves,
Grist,
Gubrie,
Guyther,
Hackney,
Harris,
Hayes,
Jones,
Kirk,
Lea,
Leathers,
Lemmond,

McNeill,
Nixon,
Odum,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Purvey,
Rankin,
Reid,
Roane,
T. Robinson,
Rush,
Scales,
Sharp,
Shaw,
Shepard,
Smith,
Street,
Thrash,
Trull,
Waddill,
Washington,
Walters,
Whitehurst,
Wilder,
T. Wilson.—84.

Those who voted in the negative, were

Messrs. Adams,
Barco,
E. Barnes,
J. Barnes,
Brame,
Brugden,
Bullock,
Collins,

Messrs. Hawkins,
Kelly,
Mangum,
Marin,
Regan,
Reinhardt,
Richardson,
H. Robinson,

J. G. Dickson,
Dunn,
Edwards,
Ellis,
Hamrick,
Harrison,

Stone,
Taliafero,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—27.

Mr. Caldwell submitted the following Resolution, which was read and adopted :

Resolved, That a Select Committee of Three be appointed, to examine and report what Rooms in the Capitol can be assigned for the use of Committees, and for what purposes the Committee Rooms are at present used.

Said Committee consists of Messrs. Caldwell, Jackson and Foy.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Bill authorizing Sheriffs and their successors in office to make title in certain cases.

When the same was read and rejected.

Mr. Moore, from the same Committee, reported favorably on the Bill assenting to the purchase by the United States, of certain land in the Town of Wilmington, and ceding the Jurisdiction of North Carolina over the same, under certain limitations and conditions therein contained.

When the same was read the second time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment, the Bill, to incorporate the Town of Pittsboro', in Chatham County.

When said Bill was read the second time and passed.

Mr. D. A. Barnes, from the same Committee, reported unfavorably on the Bill to alter and circumscribe the corporate limits of the Town of Milton.

The said Bill was, on motion of Mr. Poindexter, laid on the table.

Mr. D. A. Barnes, from the same Committee, reported with an amendment, the Bill to incorporate the Fayetteville Library Institute.

The amendment was concurred in, and the Bill read the second time and passed.

Mr. Ehringhaus, from the Committee on Military Affairs, reported without amendment the Bill to loan to the North Carolina Military Academy, at Raleigh, for the use of the Cadets thereof, the necessary military arms and equipments.

When said Bill was read the second time and passed.

On motion, leave of absence from the service of the House, from and after to-morrow until Monday next, was granted to Mr. Edwards.

On motion of Mr. Ehringhaus,

Resolved, That the Committee on Military Affairs be instructed to enquire into the propriety of collecting, and depositing in the Arsenal in the City of Raleigh, the Public Arms and Military Equipments which are now at the different depots in the State, and which have not been distributed to the several Counties; and that they report by Bill or otherwise.

Mr. Lord, from the Committee on Propositions and Grievances, to whom was referred the petition of the Pilots residing at Ocranenke, Carteret County, reported the same to the House, and asked to be discharged from the further consideration of the subject.

The Committee was discharged.

The said petition was, on motion of Mr. Whitehurst, referred to a Select Committee, consisting of Messrs. Whitehurst, Jones, Bond, Credle and McIntyre.

Mr. Washington, from the Committee on Internal Improvement, reported with an amendment, the Bill to revive and continue in force, an Act passed in the year 1811, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County.

Said Bill and amendment were, on motion, made the order of the day for Friday next.

Mr. Caldwell presented a petition from sundry citizens of the County of McDowell, praying the passage of a law, to punish Hunters trespassing on the lands of the petitioners.

Which was referred to the Committee on Propositions and Grievances.

The House proceeded to the order of the day, and took up for

consideration the Bill to authorize the foreclosure of the Raleigh and Gaston Rail Road Mortgage.

The Preamble to said Bill was adopted on motion of Mr. Cherry,

And pending the question on the passage of the Bill on the second reading,

The House took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr Washington, from the Committee on Internal Improvement, reported without amendment the Bill for a Canal from Cape Fear to Lumber River.

Mr. Fleming moved to amend the Bill, by adding the following Section :

Be it further enacted, That for all Debts contracted by said Company the Private Property of the several Stockholders shall be liable in proportion to the amount of Stock held by them on the first day of April preceding the creation of such debt, and that any sale or transfer of Stock shall not exempt them from liability.

The question on the adoption of this amendment was determined in the affirmative—Yeas 96, Nays 4.

Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,

Messrs. Lea,
Lemmond,
Locke,

D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Burgin,
Calloway,
Church,
Clayton,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Ellis,
Emerson,
Fagg,
Faucett,
Fleming,
Foy,
Gailing,
Gee,
George,
Golding,
Graves,
Grist,
Guthrie,
Hackney,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,

Lord,
Mangum,
Martin,
Mebane,
Mills,
Mitchell,
Murphy,
McIntyre,
McNair,
McNeill,
Nixon,
Odom,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Poryear,
Regan,
Reid,
Reinhardt,
Richardson,
Roane,
H. Robinson,
T. Robinson,
Rush,
Sanders,
Scales,
Sharpe,
Shaw,
Smith,
Stone,
Street,
Thrash,
Trull,
Waddill,
Washington,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
T. Wilson.—26.

Those who voted in the negative, were

Messrs. Harris,
Keener,

Messrs. McLean,
Watters.—4.

The question, Shall the said Bill pass the second reading, was decided in the affirmative.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petitions of O. H. Poor, of Yancy, and W. B. Hammond, of Buncombe Counties, and asked to be discharged from the further consideration of them.

The reports were concurred in.

Mr. Lord, from the same Committee, reported unfavorably on the Resolution in favor of Henry Moss.

When the same was read the second time and rejected.

Mr. Lord, from the same Committee, to whom a petition on the subject was referred, reported a Bill to change the place of holding the County Courts of McDowell County.

The said Bill was read the first time and passed, and on motion of Mr. Caldwell, laid on the table.

Mr. N. L. Williamson presented the following Resolution :

Resolved, That the use of the Hall of the House of Commons be granted on Wednesday evening, the 25th inst. to the Rev. Mr. Fuller, of New York, to deliver a Discourse on the subject of Home Missions.

The question on the adoption of this Resolution was decided in the negative.

Mr Grist presented the following Resolution :

Resolved, That when this House adjourns, it stands adjourned until Thursday morning 10 o'clock.

The question on the adoption of this Resolution was decided in the affirmative—Yeas 70, Nays 36.

The Yeas and Nays demanded by Mr. Kelly.

Those who voted in the affirmative, were

Messrs. Atkins,
Barco,
D. A. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brown,
Caldwell,
Calloway,
Clayton,
Cochran,
Credle,
Cunningham,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ellis,
Fagg,
Fleming,
Foy,
Gambill,
Gatling,
Graves,
Grist,
Guthrie,
Hamrick,
Harris,
Harrison,
Hawkins,
Hayes,
Jackson,
Keener,

Messrs. Lea,
Locke,
Lord,
Mangum,
Martin,
Mebane,
Mills,
Mitchell,
Murphy,
McIntyre,
McLean,
McNeill,
Nixon,
C. L. Payne,
Perkins,
Poindexter,
Prentiss,
Reid,
Reinhardt,
T. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Street,
Waddill,
Washington,
Watters,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
T. Wilson.—70.

Those who voted in the negative, were

Messrs. Adams,
E. Barnes,
J. Barnes,

Messrs. Kelly,
Kirk,
Lemmond,

Brogden,
Brower,
Burgin,
Church,
Collins,
J. G. Dickson,
Dunn,
Edwards,
Emerson,
Faucett,
Gee,
George,
Golding,
Hackney,
Jones,

McNair,
Odom,
Phifer,
Pratt,
Purveyar,
Rankin,
Regan,
Richardson,
Roane,
H. Robinson,
Rush,
Sharpe,
Smith,
Thrash,
Trull.—36.

The House resumed the consideration of the Bill, authorizing the foreclosure of the Raleigh and Gaston Rail Road Mortgage.

Pending the question on the passage of the Bill the second reading,

The House adjourned until Thursday morning 10 o'clock.

THURSDAY, DEC. 26, 1844.

Mr. Cunningham presented a Bill, founded on a petition from sundry citizens of the County of Person, entitled a Bill making compensation to Tales Jurors in the County of Person.

Said Bill was read the first time and passed, and referred, together with the petition, to the Committee on the Judiciary.

Mr. Hayes presented a memorial from the Grand Jury and other citizens of the County of Cherokee, together with a Bill to carry their prayer into effect, entitled a Bill, authorizing the County Court of Cherokee to lay a tax on certain lands in said County.

Said Bill was read the first time, passed, and referred to the Committee on Propositions and Grievances.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the Resolution in favor of J. I. Pasteur.

When the same was, on motion of Mr. Washington, laid on the table.

Mr. T. Wilson, from the same Committee, reported favorably on the Resolution in favor of Taylor and Kephart.

When the same was read the third time, passed, and ordered to be Engrossed.

Mr. Wilder presented a Bill, to amend the charter of the City of Raleigh.

Also, a Resolution relating to said City.

Which were read the first time and passed, and severally referred to the Committee on Private Bills.

Mr. Hayes, from the Committee on Internal Improvement, reported with an amendment the Bill to lay off a public Road in Cherokee County, and to make an appropriation for the same.

The amendment was concurred in, and the Bill read the second time and passed.

Mr. Washington, from the Committee on the Judiciary, reported without amendment the Bill to provide a suitable punishment for owners or occupiers of houses burning the same, under the circumstances therein mentioned.

When the same was read the second time and passed.

Mr. Lord, from the Committee on Propositions and Grievances, reported with an amendment the Bill to compel the Entry-taker of Union County to keep his office at the Court House in said County.

The amendment was concurred in, and the Bill read the second time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the petition of sundry citizens of Newbern, in relation to certain emancipated Slaves, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Lord, from the same Committee, reported without amendment the Bill to open the Pedee and Yadkin Rivers.

When said Bill was read the second time and passed.

Mr. Lord, from the same Committee, reported unfavorably on the prayer of the petition from Macon, Haywood and Cherokee, for a new County; and asked to be discharged from the further consideration thereof.

The report was concurred in.

On motion of Mr. Miller, the Resolution in favor of Wm. Davidson was re-committed to the Committee on Claims.

Mr. Shepard moved that the Select Committee on the Public Square and Lots in Raleigh, be discharged from the further consideration of the Petition heretofore submitted by him, in relation to the Square on which is situate the Baptist Meeting House; and that he be permitted to withdraw the same from the files of the House.

The motion prevailed.

Thereupon, Mr. Shepard presented a memorial of the Church worshipping in the Baptist Grove, in the City of Raleigh.

Which was, on his motion, referred to the last named Select Committee.

Mr. D. A. Barnes, from the Committee on Private Bills, reported unfavorably on the Bill to prevent obstructions in Hitchcock's Creek, in the County of Richmond.

When the same was read the second time and rejected.

Mr. Clayton offered the following Resolution :

Resolved, That no Private Bill be introduced into this House after Monday next.

This Resolution was rejected.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment, the Bill to incorporate the Carthage Male and Female Academy in the County of Moore.

When said Bill was read the second time and passed.

Mr. D. A. Barnes, from the same Committee, reported unfavorably on the prayer of the petition of John R. McCurry, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Bill to provide for the Distribution of the proceeds of Land sold for partition in certain cases.

The said Bill was thereupon read the second time and rejected.

The Bill to incorporate the Newbern Mechanic's Association;

The Bill to amend an Act, entitled an Act, to incorporate the Fayetteville Riflemen, in the County of Cumberland;

The Bill relating to Beaufort County Court;

The Bill to incorporate the Phoenix Fire Company, in the town of Elizabeth City;

The Resolution in favor of John Hill and others;

The Resolution in favor of Samuel Watters;

The Resolution in favor of Lewis H. Marsteller, of New Hanover County;

And the Resolution in favor of Thos. J. Roane, of Macon County,

Were severally read the third time, passed, and ordered to be Engrossed.

The Engrossed Resolution in favor of John L. Christian, Sheriff of Montgomery County, was read the third time, passed, and ordered to be Enrolled.

The Bill to amend the first clause of the sixth Section of Revised Statutes, Chapter first, extending the Jurisdiction of Justices of the Peace, was read the third time, passed, and ordered to be Engrossed.

The Bill to establish a Superior Court in the County of McDowell, was read the third time, amended on motion of Mr. Mills and passed, and ordered to be Engrossed.

The Engrossed Resolution in favor of Arthur S. Mooring, Sheriff of Martin County, was read the third time and passed.

Ordered that the concurrence of the Senate be asked in the amendment heretofore made therein.

Mr. Moore presented a memorial from John H. Anthony, of Halifax County, in relation to the free navigation of Roanoke River.

Which was referred to the Committee on Internal Improvement.

Mr. Jackson presented a Memorial from certain Officers of the 26th Regiment, praying an alteration in the Militia Laws.

Which was referred to the Committee on Military Affairs.

Mr. Keener presented a Memorial from sundry citizens of Haywood and Macon Counties, in relation to the rights of certain Cherokee Indians residing in said Counties.

Which was read and referred to the Committee on Propositions and Grievances.

Mr. Fleming presented a petition from sundry citizens of Yancy County, relating to the claims of the Jurors on the County Treasury ;

And also another petition, praying the passage of a law for the laying off a public Road from Burnsville to the Indian Grave Gap, at the Tennessee line.

These petitions were referred to the Committee on Propositions and Grievances.

Mr. Washington presented a petition from sundry citizens of Craven and Beaufort Counties, praying the erection of a new County out of a portion of the limits of these Counties.

And Mr. Littlejohn presented a petition from Alexander Butler and D. E. Young, of Granville County, praying a release on the part of the State, to a certain lot in the Town of Henderson, once the property of the Raleigh and Gaston Rail Road Company.

These petitions were referred to the Committee on Propositions and Grievances.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petition of certain citizens of the County of Orange, praying a division of said County, and the erection of a new one out of the Western limits thereof; and asked to be discharged from the further consideration of the subject.

The report was concurred in.

The House now proceeded to the order of the day, and resumed

the consideration of the Bill to authorize the foreclosure of the Raleigh and Gaston Rail Road Mortgage.

And after a discussion, the House took a recess till 3 o'clock.

—
THREE O'CLOCK, P. M.

Received a message from the Senate, informing that they had rejected the Engrossed Bills from House of Commons, entitled a Bill to prevent Betting on Elections;

A Bill to establish a public Road in the County of Buncombe;
And a Bill concerning Final Process, in actions of Detinue.

Received a message from His Excellency, Gov. Morehead, by his Private Secretary, Mr. Reynolds, transmitting Resolutions from sundry States of the Union, on various national subjects therein referred to.

Ordered, that the same be communicated to the Senate.

Received another message from His Excellency, the Governor, transmitting official statistics from the Secretary of State of the United States.

Ordered, that the same be referred to the Joint Select Committee on the Library.

The Resignation of Wm. G. Perry, as a Justice of the Peace of the County of Chatham, was read and accepted.

On motion of Mr. Washington,

Resolved, That the use of this Hall be granted on to-morrow (Friday) evening to Mr. William D. Cooke, of Staunton, Virginia, for an exhibition of his mode of teaching the Deaf and Dumb.

The House resumed the consideration of the subject, in which it was engaged on taking the recess at 3 o'clock.

The question being on the adoption of the amendment submitted by Mr. Cherry,

When, on motion of, Mr. Graves,

Ordered, That the Bill and proposed amendment lie on the table, and that the amendment be printed.

The House then adjourned until to-morrow morning 10 o'clock.

FRIDAY, DEC. 27, 1844.

Mr. Shepard introduced a Resolution concerning the bonus or surplus profits in the Bank of the State.

Which was read the first time and passed.

Mr. Mills asked and obtained leave to withdraw from the files of the House, sundry petitions relating to a new proposed County by the name of La Fayette.

Mr. Ehringhaus, from the Committee on Military Affairs, reported a Bill for the better regulation of the Militia of North Carolina.

Which was read the first time and passed, and ordered to be printed.

Mr. Clayton presented a Bill to lease a Silver Mine to Thomas W. P. Poindexter, the discoverer, and for other purposes.

Which was read the first time and passed, and referred to the Committee on Claims.

Mr. T. Wilson, from the Joint Select Committee appointed to make arrangements for the reception and qualification of the Governor elect, made a report.

Which was read and concurred in, and ordered to be sent to the Senate.

Mr. Poindexter presented a Bill to provide for the opening and clearing out of Muddy Creek and its branches in Stokes County.

Which was read the first time and passed, and referred to a Select Committee, consisting of Messrs. Poindexter, Puryear and Cunningham.

Mr. Church presented a Bill, to authorize the making a Turnpike Road in Wilkes County, and to incorporate a Company for that purpose.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Credle presented a petition from sundry citizens of Hyde County, in relation to the Rosebay Turnpike Road and Canal.

Which was referred to the Committee on Propositions and Grievances.

Mr. D. A. Barnes, from the Committee on Private Bills, reported the Bill to incorporate a Volunteer Infantry Company in Washington, Beaufort County, and asked to be discharged from the further consideration of the subject.

The report was concurred in,

And on motion, said Bill was referred to the Committee on Military Affairs.

Mr. H. H. Robiason, from the Committee on Propositions and Grievances, reported a Bill to improve the navigation of Cypress Creek, in Bladen County.

Which was read the first time and passed.

Mr. Miller, from the Committee on Claims, reported with an amendment the Resolution in favor of Wm. Davidson.

The amendment was concurred in, and the Resolution passed the first reading.

On motion of Mr. Sanders,

Resolved, That the Committee on Finance be requested to examine the 102d Chapter, entitled an Act to provide for the collection and management of a revenue for this State, and report the propriety of adding to said Chapter an additional Section, to the following import:

That all monies which shall hereafter be loaned out, and kept as a stock on interest, shall be liable to a tax, at the rate of twenty-five cents on every hundred dollars—the same to be assessed and collected as taxes on other property.

Mr. Beaman presented a Bill, to amend an Act concerning the improvements of Rivers and Creeks, and to prevent obstruction to their navigation.

Which was read the first time and passed, and referred to the Committee on the Judiciary.

Mr. Gambill presented a Bill, to appoint Commissioners to examine and lay off a Road in the County of Wilkes.

Which was read the first time and passed, and referred to the Committee on Internal Improvement.

Mr. Shepard presented a Bill, for the encouragement of Volunteer Companies.

Which was read the first time and passed, and referred to the Committee on Military Affairs.

Mr. Fleming presented a Bill, supplemental to an Act passed in the year 1838, entitled an Act, supplemental to an Act passed in the year 1839, to lay off and establish a Road from Morganton, in Burke County, by Burnsville, in Yancy County, to the Tennessee line.

Which was read the first time and passed, and referred to the Committee on Propositions and Grievances.

The Bill to prevent the felling of timber in the water courses of the County of Guilford;

And the Bill concerning the Superior Courts of Currituck County;

Were each read the third time, passed, and ordered to be Engrossed.

The Engrossed Bill concerning Jury Trials, was read the third time, passed, and ordered to be Enrolled.

The Bill in addition to the Revised Statutes, entitled Wills and Testaments—to amend the same, and to repeal part of the 15th Section of the Revised Statutes, entitled Lands of Deceased Debtors, was read the third time and amended.

Mr. Brogden moved that said Bill be indefinitely postponed.

The question thereon was decided in the negative—Yeas 23, Nays 89.

Yeas and Nays demanded by Mr. N. L. Williamson.

Those who voted in the affirmative, were

Messrs. Barco,
E. Barnes,
J. Barnes,

Messrs. Kelly,
Lemmond,
Mangum,

Brame,
Brogden,
Collins,
Davenport,
J. G. Dickson,
Dunn,
Hackney,
Hamrick,
Hayes,

Martin,
Odom,
Pratt,
Richardson,
Stone,
Wilder,
N. L. Williamson,
N. Wilson.—23.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
D. A. Barnes,
Beaman,
Bond,
Bridgers,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Cunningham,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Ellis,
Emerson,
Fagg,
Faucett,
Fleming,
Foy,
Gambill,
Gatling,
Geo,

Messrs. Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
Murphy,
McIntyre,
McLean,
McNair,
McNeill,
Nixon,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Prentiss,
Purveyar,
Rankin,
Regan,
Reid,
Reinhardt,
Roane,
H. Robinson,
T. Robinson,
Rush,
Sanders,
Scales,
Sharpe,

George,
Golding,
Graves,
Grist,
Guthrie,
Guyther,
Harris,
Harrison,
Hawkins,
Jackson,
Jones,
Kirk,
Lea,
Leathers,

Shaw,
Smith,
Street,
Taliaferro,
Thrash,
Trull,
Waddill,
Washington,
Watters,
White,
Whitehurst,
R. P. Williamson,
T. Wilson.—89.

The question, Shall said Bill pass the third reading, was decided in the affirmative.

Ordered, that said Bill be Engrossed.

The House proceeded to the orders of the day, and resumed the consideration of the question in which they were engaged on the last adjournment of the House,

When the hour arrived for taking a recess according to a Resolution of the House, and the House adjourned until 3 o'clock.

THREE O'CLOCK, P. M.

Mr. Atkins who voted in the affirmative on the question rejecting the Bill to prevent obstructions in Hitchcock's creek, in the County of Richmond, moved that the House do now re-consider that vote.

The motion prevailed.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, and asking the concurrence of this House, viz :

A Bill to incorporate the Fayetteville Library Institute, in the Town of Fayetteville;

A Bill to amend an Act, entitled an Act, to punish the default of Returning Officers, in the election of Electors of President and Vice President of the United States, passed in 1842-3, Chapter 29;

A Bill to authorize the Court of Pleas and Quarter Sessions of Beaufort County to appoint special Justices of the Peace, and making compensation to such Justices for certain services;

A Bill to authorize the Portsmouth and Roanoke Rail Road Company to charge tolls on their Bridge over Roanoke River, near the Town of Weldon;

A Bill to amend an Act passed in 1836-7, to incorporate the Town of Greensborough, in Guilford County;

A Bill to prevent the levying of Executions upon Growing Crops, until such Crops are matured;

And a Bill to prevent the felling of timber in the Creeks and Rivers within the County of Cabarrus.

The said Bills were read the first time and passed.

The resignations of P. G. Smith, of Anson, and of Timothy Moser, of Catawba, Justices of the Peace, were read and accepted.

The House resumed the consideration of the Bill, to authorize the foreclosure of the Raleigh and Gaston Rail Road Mortgage.

The question being on the motion of Mr. Ellis, to strike out from the amendment offered by Mr. Cherry, the third, fourth, fifth, sixth and part of the eighth sections thereof.

This question to strike out was decided in the negative—Yeas 49, Nays 64.

Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
E. Barnes,
J. Barnes,
Beaman,
Braine,
Bridgers,
Brogden,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Pratt,

Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Ellis,
Gatling,
Graves,
Guyther,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—49.

Those who voted in the negative, were

Messrs. Bareo,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Fleming,
Gambill,

Messrs. Jackson,
Keener,
Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Puryear,
Reid,
T. Robinson,
Rush,
Sharp,
Smith,

Gee,
George,
Golding,
Grist,
Guthrie,
Hackney,
Harris,
Hayes,

Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
T. Wilson.—64.

Mr. Shepard was, at his own request, excused from voting on the ground of his being a Stock-holder in said Rail Road Company.

Mr. Fleming moved to amend the amendment, by adding the following after the 4th section :

Be it further enacted, That in the event the Governor shall become the purchaser of said Road, he shall endeavor to sell the same, together with its Franchise and Corporate privileges for the space of six months ; and if at the expiration of said time he shall be unable to sell the same for the amount of his bid, he shall upon ninety days notice, proceed to sell the Iron, Machinery, Cars, Engines, and all the Estate, both Real and Personal, for the benefit of the State, upon a credit of one, two and three years, with interest from date, purchaser giving Bond and Security, to be approved of by the Governor and Treasurer, and no title to the Real Estate to pass until the last payment is made.

The question on the adoption of this amendment was determined in the negative—Yeas 20, Nays 94.

The Yeas and Nays demanded by Mr. Fleming.

Those who voted in the affirmative, were

Messrs. Adams,
J. Barnes,
Brown,
Dunn,
Fleming,
Gatling,
Hamrick,
Harris,
Harrison,
Kirk,

Messrs. Lemmond,
Nixon,
Prentiss,
Rankin,
Reid,
Reinhardt,
Sanders,
Whitehurst,
N. L. Williamson,
N. Wilson.—20.

Those who voted in the negative, were

Messrs. Atkins,
Barco,
D. A. Barnes,
E. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Bullock,
Burgin,
Caddwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
J. G. Dickson,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Ellis,
Emerson,
Fagg,
Faucett,
Gambill,
Gee,
George,
Golding,
Graves,
Grist,
Guthrie,
Guyther,
Hackney,
Hawkins,

Messrs. Lea,
Leathers,
Littlejohn,
Locke,
Lord,
Mangum,
Martin,
Mebane,
Miller,
Mills,
Mitchell,
Moore,
Murphy,
McIntyre,
McLean,
McNair,
McNeill,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Puryear,
Regan,
Richardson,
Roane,
H. Robinson,
T. Robinson,
Rush,
Scales,
Sharpe,
Shaw,
Smith,
Stone,
Street,
Taliafero,
Thrash,
Trull,
Waddill,
Washington,

Hayes,
Jackson,
Jones,
Kelly,
Keener,

Watters,
White,
Wilder,
R. P. Williamson,
T. Wilson.—94.

Mr. Guyther offered the following amendment, which was rejected:

And be it further enacted, That when it shall appear that the nett proceeds of said Road are insufficient to keep said Road in repair, and pay expenses of the same, then it shall be the duty of the Governor of the State to stop all operations on the Road, and proceed to sell all the fixtures appertaining thereto, in such lots as will suit purchasers.

Mr. Fleming offered the following as an amendment, at the close of the 7th Section:

Be it further enacted, That should any new Company succeed to the possession of said Road, that the property of said Road, both Personal and Real, shall be liable for the debts of the same; but that a sale under an execution shall not work a disability of the corporation or a forfeiture of the franchise, but that the purchaser or purchasers shall become entitled to, and receive with the possession of the property, the rights and privileges belonging to the previous Company.

The question on the adoption of this amendment, was determined in the negative.

On motion of Mr. Moore, the amendment of Mr. Cherry was further amended, by striking out all of the first section, after the words "1845," and by inserting a section marked A.

Whereupon, on motion of Mr. Graves, the Bill and amendments were made the special order of the day for to-morrow, to be taken up at half past 10 o'clock.

And then the House adjourned until to morrow morning 10 o'clock.

SATURDAY, DEC. 28, 1844.

Received a message from the Senate, proposing to refer the Message of His Excellency, the Governor, of 23d inst. in relation to the History of the State, to a Joint Select Committee of two on the part of the Senate, and four from the House of Commons.

The proposition was concurred in, and Messrs. Doak, Washington, Scales and Nixon appointed to compose said Committee on the part of this House.

Mr. Jones gave notice that he should, on Monday next, move to suspend the operation of the 31st, 50th, and 51st Rules of Order, for the residue of the Session.

Mr. Lord, from the Committee on Propositions and Grievances, prayed that said Committee be discharged from the further consideration of the petition from citizens of Haywood and Macon Counties, in relation to the Cherokee Indians; and that the same be referred to a Select Committee.

The motion prevailed, and Messrs. Caldwell, Poindexter, Graves Shepard and Washington were appointed to compose said Committee.

Mr. Washington, from the Committee on the Judiciary, reported without amendment the Bill concerning Passengers in Vessels coming to the Ports in this State.

When the same was read the second time and passed.

Mr. Atkins presented a petition from sundry citizens of the Counties of Cumberland, Moore, Chatham and Wake, praying the establishment of a new County out of a portion of the limits of said Counties, entitled a Bill to create a County by the name of Blakely.

The said Bill was read the first time and passed, and referred, together with the petition, to the Committee on Propositions and Grievances.

Mr. Shepard presented a petition from citizens of Wake, Mr. Houghton from citizens of Chatham, and Mr. Shaw from citizens of Cumberland Counties, protesting against the creation of said County.

Which were all referred to the Committee on Propositions and Grievances.

Mr. Clayton presented a petition from certain citizens of Henderson, Haywood and Macon Counties, in relation to the making of a new Road through a portion of the mountains in that region, and asking an appropriation therefor.

Which was referred to the Committee on Internal Improvement.

The House then proceeded to the special order of the day, and took up the Bill to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road Company; the question being on the amendment of Mr. Cherry, as heretofore amended.

The said amendment was further amended, on the several motions of Mr. Cherry and Mr. Moore; and the question—Shall said amendment be adopted, was decided in the affirmative.

The question then recurring on the passage of the said Bill the second reading, as thus amended, was decided in the affirmative—Yeas 65, Nays 48.

The Yeas and Nays demanded by Mr. N. L. Williamson.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,

Messrs. Jackson,
Keener,
Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,

Douthit,	Puryear,
Ehringhaus,	Reid,
Emerson,	Roane,
Fagg,	T. Robinson,
Faucett,	Rush,
Foy,	Sharpe,
Gambill,	Smith,
George,	Street,
Golding,	Thrash,
Grist,	Trull,
Guthrie,	Waddill,
Hackney,	Washington,
Harris,	Watters,
Haughton,	T. Wilson.—65.
Hayes,	

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Ellis,
Fleming,
Gatling,
Graves,
Guyther,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Pratt,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—48.

On motion of Mr. Guthrie,

Ordered, That said Bill, as now amended, be printed, and made the special order of the day for Tuesday next, at 11 o'clock.

Mr. Mills called up for consideration, the Bill to revive and continue in force, an Act passed in the year 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County.

Mr. Ellis moved to amend said Bill, by adding the following *Proviso*:

Provided, however, That so much of said Act as requires the State to subscribe twenty-five hundred dollars in the Stock of said Company, shall not be revived by this Act.

The question on the adoption of this amendment, was decided in the negative—Yeas 51, Nays 61.

The Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Ellis,
Gatling,
Gee,
Graves,

Messrs. Lea,
Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Phifer,
Pratt,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,

Guthrie,
Guyther,
Hamrick,
Harrison,
Haughton,
Jones,
Kelly,
Kirk,

Stone,
Taliafero,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—51.

Those who voted in the negative, were

Messrs. D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Fleming,
Foy,
Gambill,
George,
Grist,
Hackney,
Harris,
Hawkins,
Hayes,
Keener,

Messrs. Leathers,
Littlejohn,
Locke,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Poindexter,
Prentiss,
Puryear,
Rankin,
Regan,
Reid,
Roane,
T. Robinson,
Rush,
Sharpe,
Smith,
Street,
Thrash,
Trull,
Washington,
White,
T. Wilson.—61.

The question, Shall the said Bill pass the second reading, was decided in the affirmative.

Mr. Ellis presented a Resolution, authorizing and directing the share of the Literary Fund to which the County of Rowan is entitled, to be paid to the Justices of the Peace for County purposes.

Said Resolution was read and referred to the Committee on Education.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment, the Bill to amend the Charter of the City of Raleigh.

When the said Bill was read the second time and passed.

Mr. Caldwell, from the Select Committee raised upon the subject of the use and occupation made of the Committee Rooms in the Capitol, made a detailed report.

Which was, on motion of Mr. Ellis, laid upon the table.

The Bill to secure to the citizens of this State, the right of Fishing in the navigable waters of the State;

The Bill to amend an Act for the better establishment and better regulation of Common Schools;

The Bill to repeal in part the 11th section of the 62d chapter of the Revised Statutes, concerning the Powers and Jurisdiction of Justices of the Peace, and to amend the same;

The Bill for the relief and benefit of Orphans;

The Bill to amend the 123d chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property;

The Resolution in favor of Priscilla Goodwin;

Were each read the third time, passed, and ordered to be Engrossed.

The Engrossed Bill to incorporate Cross Creek Lodge, No. 4, of the Independent Order of Odd Fellows, in the Town of Fayetteville, was read the third time, passed, and ordered to be Enrolled.

On motion of Mr. Scales, the Engrossed Bill to prevent the levying of Executions upon Growing Crops, until such Crops are matured, was referred to a Select Committee.

And the following members were appointed by the Speaker, to compose this Committee, viz: Messrs. Scales, Poindexter, Mebane, Smith and Murphy.

On motion of Mr. Caldwell, the Bill to change the place of holding the County Courts of McDowell County, was taken up for consideration, read the second time, amended, and passed.

The Bill to locate the residences of Judges of the Superior Courts, hereafter to be elected, was read the third time.

Mr. Guthrie moved the said Bill be postponed indefinitely.

The question thereon was determined in the negative—Yeas 54, Nays 58.

Yeas and Nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs. Brower,
Brown,
Calloway,
Church,
Cochran,
Cunningham,
Doak,
Douthit,
Dunn,
Ellis,
Emerson,
Faucett,
Gambill,
Golding,
Graves,
Guthrie,
Hackney,
Hamrick,
Haughton,
Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Martin,

Messrs. Mebane,
Miller,
Mitchell,
McLean,
McNair,
C. L. Payne,
Phifer,
Poindexter,
Pratt,
Puryear,
Rankin,
Reid,
Reinhardt,
T. Robinson,
Rush,
Scales,
Shaw,
Smith,
Stone,
Street,
Trull,
Waddill,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson.—54.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,

Messrs. Guyther,
Harrison,
Hawkins,

D. A. Barnes,
 E. Barnes,
 J. Barnes,
 Beaman,
 Bond,
 Brame,
 Bridgers,
 Brogden,
 Bullock,
 Burgin,
 Caldwell,
 Cherry,
 Clayton,
 Collins,
 Credle,
 Davenport,
 Davis,
 J. G. Dickson,
 W. Dickson,
 Fagg,
 Fleming,
 Foy,
 Gatling,
 Gee,
 George,
 Grist,

Hayes,
 Jackson,
 Jones,
 Keener,
 Kelly,
 Mills,
 Moore,
 Murphy,
 McIntyre,
 McNeill,
 Odom,
 R. T. Paine,
 Perkins,
 Prentiss,
 Regan,
 Richardson,
 Roane,
 H. Robinson,
 Sanders,
 Sharp,
 Shepard,
 Thrash,
 Washington,
 Watters,
 Whitehurst,
 T. Wilson.—58.

The question—Shall said Bill pass the third reading, was decided in the negative—Yeas 56, Nays 59.

Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Adams,
 Atkins,
 Barco,
 D. A. Barnes,
 E. Barnes,
 J. Barnes,
 Beaman,
 Bond,

Messrs. Hawkins,
 Hayes,
 Jackson,
 Jones,
 Keener,
 Kelly,
 Moore,
 Murphy;

Brame,
 Bridgers,
 Brogden,
 Burgin,
 Caldwell,
 Cherry,
 Clayton,
 Credle,
 Davenport,
 J. G. Dickson,
 W. Dickson,
 Ehringhaus,
 Fagg,
 Fleming,
 Foy,
 Gatling,
 Gee,
 Grist,
 Guyther,
 Harrison,

McIntyre,
 McNeill,
 Nixon,
 Odom,
 R. T. Paine,
 Perkins,
 Prentiss,
 Regan,
 Richardson,
 Roane,
 H. Robinson,
 Sanders,
 Sharpe,
 Shepard,
 Thrash,
 Washington,
 Watters,
 Whitehurst,
 N. L. Williamson,
 T. Wilson.—56.

Those who voted in the negative, were

Messrs. Brower,
 Brown,
 Bullock,
 Calloway,
 Church,
 Cochran,
 Collins,
 Cunningham,
 Davis,
 Doak,
 Douthit,
 Dunn,
 Ellis,
 Emerson,
 Fancett,
 Gambill,
 George,
 Golding,

Messrs. Mangum,
 Martin,
 Mebane,
 Miller,
 Mills,
 Mitchell,
 McLean,
 McNair,
 C. L. Payne,
 Phifer,
 Poindexter,
 Pratt,
 Puryear,
 Rankin,
 Reid,
 Reinhardt,
 T. Robinson,
 Rush,

Graves,
Guthrie,
Hamrick,
Hackney,
Haughton,
Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,

Scales,
Shaw,
Smith,
Stone,
Street,
Trull,
Waddill,
White,
Wilder,
R. P. Williamson,
N. Wilson.—59.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the petition from certain citizens of McDowell County, in relation to hunting and killing stock in the mountains; and asked to be discharged from the further consideration of the subject.

Mr. Lord, from the same Committee, asked to be discharged from the further consideration of the petition from Yancy County, relating to the payment of Jury Tickets.

And Mr. Lord, from the same Committee, asked to be discharged from the further consideration of the petition from citizens of Beaufort and Craven Counties, in relation to the creation of a new County, out of a portion of their limits

These reports were concurred in, and the Committee discharged as asked.

Mr. Lord, from the same Committee, reported unfavorably on the Bill authorizing the County Court of Cherokee, to lay a tax on certain lands in said County.

When said Bill was read the second time and rejected.

Mr. Lord, from the same Committee, to whom the subject was referred of taxing Pedlars, reported a Bill to amend the 13th Section of the 10th Chapter of the Revised Statutes.

Which was read the first time and passed.

Mr. Puryear, from the Select Committee to whom was referred the Bill to provide for the opening and clearing out of Muddy Creek and its branches, in Stokes County, reported the same with an amendment.

Which was concurred in, and the Bill read the second time and passed.

Mr. Lord, from the Committee on Propositions and Grievances, reported without amendment the Bill supplemental to an Act passed in the year 1838, entitled an Act, supplemental to an Act passed in the year 1834, to lay off and establish a Road from Morganton, in Burke County, by Burnsville, in Yancy County to the Tennessee line.

When said Bill was read the second time and passed.

The Resignations of Wm. Merritt, of Chatham, and of Jos. Roberts, of Rockingham Counties, Justices of the Peace, were presented, read and accepted.

Mr. Ellis called up for consideration, the report of the Select Committee raised to inquire into the condition, use, and occupation of the Committee Rooms.

When the same was concurred in.

And thereupon, Mr. Ellis presented a Resolution, relating to Committee Rooms in the Capitol.

Which was read the first, second and third times, two-thirds of the House concurring, passed, and ordered to be Engrossed.

Received a message from the Senate, informing that they had passed the Bill, authorizing Samuel Chunn to establish a Toll Bridge over French Broad River, in the County of Buncombe, with an amendment; and asking the concurrence of this House.

The amendment was read and agreed to, and the Senate so informed.

A message from the Senate, informing that they had also passed the Engrossed Bill, to amend the Sections of the Revised Statutes concerning Clerks and Registers, with amendments; and asking the concurrence of the Commons.

The amendments were concurred in, and the Senate so informed.

The House then took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House, in pursuance of a Joint Order heretofore made, proceeded to the appointment of Justices of the Peace for the several Counties.

The recommendation of Justices from the County of Union, was, on motion of Mr. Waddill, laid on the table.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, DEC. 30, 1844.

In pursuance of notice heretofore given, Mr. Jones moved that the 31st, 50th and 51st Rules of Order be suspended for the residue of the Session.

The motion prevailed.

On motion of Mr. Cunningham, the memorial of Porteus Moore was recommitted to the Committee on Claims.

Mr. Whitehurst, from the Select Committee raised on the subject, reported a Bill to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots.

Which was read the first time and passed.

Messrs. Miller, Shepard, Street and Sanders were appointed on behalf of the Commons, to compose the Joint Select Committee on Enrolled Bills the present week.

Mr. Mills, from the Committee on Finance, reported a Resolution in relation to the Public Treasurer.

Which was read the first time and passed.

Mr. Mills moved that said Resolution be read the second time.

The motion prevailed; and the question—Shall the said Resolution pass the second reading, was decided in the affirmative—Yeas 103, Nays 2.

The Yeas and Nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
Beaman,
Bond,
Brame,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Cunningham,
Davenport,
Davis,
J. G. Dickson,
W. Dickson,
Doak,
Douthit,
Dunn,
Ehringhaus,
Ellis,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gatling,
George,
Golding,
Graves,
Grist,
Guthrie,
Guyther,
Hackney,
Hamrick,

Messrs. Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Martin,
Mebane,
Mills,
Moore,
Murphy,
McIntyre,
McLean,
McNair,
McNeill,
R. T. Paine,
O. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Purvey,
Rankin,
Reid,
Reinhardt,
Richardson,
Roane,
H. Robinson,
T. Robinson,
Rush,
Sanders,
Scales,
Sharpe,
Shaw,
Shepard,
Smith,
Stone,
Street,
Taliaferro,
Thrash,
Trull,
Washington,

Harris,
Harrison,
Haughton,
Hayes,
Jackson,
Jones,
Keener,
Kelly,
Kirk,
Lea,

Watters,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
T. Wilson,
Woodward.—103.

Those who voted in the negative, were

Messrs. J. Barnes and Fleming.—2.

On motion, the said Resolution was again read the third time, passed, and ordered to be Engrossed.

Mr. Mills, from the same Committee, reported a Bill to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of \$100,000, to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company.

Which was read the first time and passed.

And on motion of Mr. Mills, ordered that said Bill be printed, and made the special order of the day for to-morrow, at 12 o'clock.

Received a message from the Senate, informing that they had passed the Engrossed Bill concerning the admissibility of evidence against the Sureties of Officers, with an amendment.

And also, the Bill to give exclusive Jurisdiction to the Superior Courts of the Counties of Yancy, and others, with an amendment, and asking the concurrence of this House.

The proposed amendments were agreed to, and the Senate so informed.

On motion of Mr. Moore,

Resolved, That it shall be the duty of the Engrossing Clerks to re-

gister in the Justices Book, the names of all the persons appointed Justices of the Peace during the present Session.

On motion of Mr. Moore,

Resolved, That no Private Bill shall be introduced from and after Tuesday, the 31st instant.

Mr. Poindexter presented a Bill to incorporate the Trustees of the Bethania Literary Society and Academy, in Stokes County. Which was read the first time and passed.

The Bill making compensation to Tales Jurors in the County of Person, was read the second time and passed.

The Speaker laid before the House a communication from His Excellency, the Governor, transmitting the resignation of Geo. E. Badger, as a Trustee of the University of North Carolina.

The said resignation was read and accepted, and ordered to be sent to the Senate.

Received a message from the Senate, agreeing to the proposition of this House, to refer to the Committee on the Library, the documents transmitted by the Governor, from the Secretary of State of the United States.

The Bill to amend an Act passed January 7, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Company, and for the relief of the same, was read the second time and passed.

Received a message from the Senate, informing that Messrs. Gwynn and Halsey compose their branch of the Joint Select Committee on Enrolled Bills, for the present week.

On motion of Mr. Moore, the Bill to amend an Act, to incorporate the President, Directors and Company of the Yadkin Toll Bridge, was taken up for consideration, and read the second time.

Mr. Caldwell moved to amend said Bill, by striking out the rates of toll, and inserting an amendment reducing said rates, marked A; and demanded the Yeas and Nays.

Mr. Lord called for a division of the question; and the question being taken on *striking out*, was decided in the negative—Yeas 39, Nays 66.

Those who voted in the affirmative, were

Messrs. Barco,
Beaman,
Bond,
Brame,
Brower,
Caldwell,
Calloway,
Church,
Clayton,
Cochran,
Collins,
Doak,
Douthit,
Emerson,
Gatling,
Gambill,
Grist,
Guthrie,
Hackney,
Jackson,

Messrs. Leathers,
Littlejohn,
Mitchell,
McLean,
McNair,
Poindexter,
Reinhardt,
Roane,
H. Robinson,
T. Robinson,
Rush,
Smith,
Street,
Taliaferro,
Thrash,
Trull,
Whitehurst,
R. P. Williamson,
N. Wilson.—39.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
D. A. Barnes,
J. Barnes,
Bridgers,
Brogden,
Brown,
Burgin,
Cherry,
Credle,
Cunningham,
Davenport,
Davis,
J. G. Dickson,
W. Dickson,
Dunn,

Messrs. Locke,
Lord,
Mangum,
Martin,
Mebane,
Mills,
Moore,
Murphy,
McNeill,
Nixon,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Prentiss,
Purveyor,

Ellis,	Rankin,
Fagg,	Regan,
Foy,	Reid,
Faucett,	Richardson,
George,	Sanders,
Golding,	Scales,
Graves,	Sharpe,
Guyther,	Shaw,
Hamrick,	Shepard,
Harris,	Stone,
Harrison,	Waddill,
Haughton,	Washington,
Jones,	Watters,
Keoner,	White,
Kelly,	Wilder,
Kirk,	N. L. Williamson,
Lemmond,	T. Wilson.—66.

The question—Shall the said Bill pass the second reading, was decided in the affirmative.

On motion of Mr. Ellis, the said Bill was again read the third time, passed, and ordered to be Engrossed.

The Bill extending the time for perfecting Titles to Lands heretofore entered, was read the third time, passed, and ordered to be Engrossed.

Mr. Cunningham presented a Resolution in favor of Porteus Moore.

Which was read the first time and passed, and referred to the Committee on Claims.

Mr. Kirk, who voted in the majority on the question by which the Bill to locate the residences of Judges of the Superior Courts hereafter to be elected was rejected, now moved that the House do re-consider that vote.

Mr. R. T. Paine moved that this motion to re-consider do lie on the table.

And this motion prevailed.

Received from His Excellency, Gov. Morehead, by his Private Secretary, Mr. Reynolds, a communication upon the subject of a Correspondence printed by order of the Senate, between the Governor and John H. Wheeler, Public Treasurer.

Mr. Cherry moved that the said communication be sent to the Senate, with a proposition that it be printed, and referred to a

Select Committee, consisting of three on the part of each House.
Pending the discussion on this motion, the House took a recess
until three o'clock, P. M.

THREE O'CLOCK, P. M.

On motion of Mr. Hayes,

Resolved, That the Judiciary Committee be instructed to enquire into the expediency of so amending the law, as to give any two Justices of the Peace of this State jurisdiction of all cases of Assault and Battery or Affray, in their respective Counties; and that they report by Bill or otherwise.

Mr. Haughton presented a Bill respecting the inspection of Flour.

Which was read the first time and passed.

The House resumed the consideration of the subject in which it was engaged on taking the last recess; and after discussion, and before the question pending thereon was taken,

The House, on motion, adjourned until to-morrow morning 10 o'clock.

TUESDAY, DEC. 31, 1844.

Mr. Guthrie, from the Joint Select Committee on the Library,

to whom was referred the memorial of the Synod of North Carolina, in relation to sending a Special Agent to Europe, to procure copies of Official Documents for the early History of the State, reported that it is not expedient at this time, to make an appropriation for this purpose, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

On motion of Mr. Mills, the House proceeded to the unfinished business in which it was engaged on the last adjournment.

Whereupon, it was ordered that the said communication of His Excellency, the Governor, be transmitted to the Senate, with a proposition that it be printed, and referred to a Joint Select Committee of three members on the part of each House.

Mr. Guthrie introduced a Resolution, relating to the interchange of Documents.

Which was read the first time and passed.

Mr. Caldwell presented a Bill, to incorporate the Trustees of the Morganton Academy.

Which was read the first time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported without amendment, the Resolution in favor of the Commissioners of the City of Raleigh.

Which was read the first time and passed.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the memorial of C. C. Battle, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Fagg presented a Bill, to prevent Constables from serving any Civil Process, or Magistrates from hearing or determining any Civil Warrant, at any place of divine worship.

Which was read the first time and passed.

The Bill to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road Company, was read the third time and amended; and the question—Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 63, Nays 49.

The Yeas and Nays called for by Mr. Nixon.

Those who voted in the affirmative, were

Messrs. Barco,
D. A. Barnes,
Bond,

Messrs. Jackson,
Keener,
Leathers,

Brower,	Littlejohn,
Brown,	Locke,
Burgin,	Lord,
Caldwell,	Mebane,
Calloway,	Mills,
Cherry,	Moore,
Church,	McLean,
Clayton,	McNair,
Cochran,	R. T. Paine,
Credle,	C. L. Payne,
Davenport,	Perkins,
Davis,	Phifer,
W. Dickson,	Poindexter,
Doak,	Purveyar,
Douthit,	Reid,
Ehringhaus,	Roane,
Emerson,	T. Robinson,
Fagg,	Rush,
Faucett,	Sharpe,
Foy,	Smith,
Gambill,	Street,
George,	Thrash,
Golding,	Trull,
Grist,	Wadditt,
Guthrie,	Washington,
Hackney,	Watters,
Harris,	Whitehurst,
Haughton,	T. Wilson.—63.
Hayes,	

Those who voted in the negative, were

Messrs. Adams,	Messrs. Mangum,
Atkins,	Martin,
E. Barnes,	Mitchell,
J. Barnes,	Murphy,
Beaman,	McIntyre,
Brame,	McNeill,
Bridgers,	Nixon,
Brogden,	Pratt,
Collins,	Rankin,
Cunningham,	Regan,

J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Guyther,
Hamrick,
Harrison,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—49.

Ordered that said Bill be Engrossed.

The Bill to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of \$100,000 to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company, was read the second time.

Mr. Fleming moved to amend the Bill, by adding after the first section, the following :

Be it further enacted, That before endorsing said Bonds by the Treasurer, the Stock-holders shall give Bond and Security, for the indemnity of the State against all loss in consequence of such endorsement, to be approved by the Governor.

The question on the adoption of this amendment, was decided in the affirmative—Yeas 60, Nays 50.

Yeas and Nays demanded by Mr. Taliafero.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,

Messrs. Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,

Brogden,
 Brower,
 Brown,
 Calloway,
 Collins,
 Cunningham,
 J. G. Dickson,
 Douthit,
 Dunn,
 Edwards,
 Ellis,
 Fleming,
 Gatling,
 Graves,
 Guthrie,
 Guyther,
 Hackney,
 Hamrick,
 Harrison,
 Jackson,
 Jones,
 Kelly,
 Kirk,
 Lea,

McNeill,
 Nixon,
 Prentiss,
 Rankin,
 Regan,
 Reinhardt,
 Richardson,
 H. Robinson,
 Rush,
 Sanders,
 Scales,
 Shaw,
 Shepard,
 Smith,
 Stone,
 Taliafero,
 Thrash,
 White,
 Whitehurst,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 Woodward.—60.

Those who voted in the negative, were

Messrs. Barco,
 D. A. Barnes,
 Bond,
 Burgin,
 Caldwell,
 Cherry,
 Church,
 Clayton,
 Cochran,
 Credle,
 Davenport,
 Davis,
 W. Dickson,
 Doak,
 Ehringhaus,
 Emerson,
 Fagg,

Messrs. Leathers,
 Littlejohn,
 Locke,
 Lord,
 Mebane,
 Mills,
 Moore,
 McLean,
 McNair,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Pratt,
 Puryear,
 Reid,
 Roane,

Faucett,
Gambill,
Golding,
Grist,
Harris,
Haughton,
Hayes,
Keener,

T. Robinson,
Sharpe,
Street,
Trull,
Waddill,
Washington,
Watters,
T. Wilson.—50.

On motion of Mr. Moore,

Ordered, That said Bill do lie on the table.

The Bill to prevent the levying of Executions upon Growing Crops, until said Crops are matured, was taken up.

The question being on the amendment proposed to the Bill by the Select Committee;

And pending this question, the House took a recess till three o'clock, P. M.

THREE O'CLOCK, P. M.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, viz:

A Bill to incorporate Washington Academy, in Duplin County;

A Bill in favor of Poor Debtors;

A Bill to amend the Revised Statutes, entitled Courts of Equity;

A Bill to incorporate the Town of Rockingham, in the County of Randolph;

A Bill to prevent frauds in levying Executions issued by a single Magistrate upon Lands, and to encourage and facilitate the practice of taking security for the forthcoming of property seized under Execution;

A Bill to incorporate a Military Company, in the County of Anson;

And a Resolution in favor of Jno. A. Averitt, Sheriff of Onslow, and asking the concurrence of this House.

The said Bills and Resolution were read the first time and passed.

Received a message from the Senate, informing that they had accepted the recommendation of certain persons as Justices of the Peace for the County of Union, made by the Senator and Members of the Commons from the County of Mecklenburg, and asking the concurrence of this House.

Mr. Waddill moved that said recommendations be laid on the table.

This question was decided in the affirmative—Yeas 64, Nays 42. Yeas and Nays demanded by Mr. Dunn.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
Bond,
Brame,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Emerson,
Fagg,
Faucett,

Messrs. Haughton,
Jackson,
Kcener,
Leathers,
Locke,
Lord,
Mebane,
Mills,
Moore,
McLean,
McNair,
McNeill,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Puryear,
Roane,
T. Robinson,
Rush,
Sharp,

Foy,
Gambill,
Galling,
George,
Golding,
Grist,
Guthrie,
Hackney,
Harris,

Smith,
Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
T. Wilson.—64.

Those who voted in the negative, were

Messrs. E. Barnes,
J. Barnes,
Beaman,
Bridgers,
Brogden,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Graves,
Hamrick,
Harrison,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,
Mangum,

Messrs Martin,
Mitchell,
Murphy,
McIntyre,
Rankin,
Regan,
Reid,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Taliaferro,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—42.

Received a message from the Senate, communicating a report from the Joint Select Committee raised upon the subject, and asking the concurrence of the House therein.

The report was read, and the same, together with the Resolutions, were unanimously adopted, and ordered to be spread upon the Journal, in the following words, viz :

"The General Assembly of North Carolina have learned that since their last Session, one of the most distinguished of our citizens has died.

"On the 29th of January last, William Gaston, one of the Judges of the Supreme Court of North Carolina, after an illness of a few hours, departed this life.

"The General Assembly of the State, from the unsullied character and inestimable worth of this distinguished citizen, is conscious that no acts or words can express their deep veneration for his character, or their sorrow for his irreparable loss.

"Storied urn or animated bust cannot remind us more sensibly of his exalted worth, for this is impressed deeply on every heart.

"Literally baptized in the blood of his distinguished ancestor, who fell in the Revolutionary struggle of our country, he was early impressed with an abiding love of his native State, and devoted the whole energies of his well-disciplined mind to its service.

"In all the varied stations of importance to which he was called by the confidence of his fellow-citizens, he devoted with untiring energy, all the powers of his mind to the promotion of the public weal.

"As a man, he was exemplary in all the relations of life : a devoted husband, an affectionate father. As a Statesman, he was pure and patriotic ; the honor of his country was the chief object of his heart ; as an advocate, he was faithful and zealous ; as a Judge, he was learned and impartial ; and he died, as the whole of his life had been spent, in the service of the State.

"When such a man dies, the State may well mourn. The sensation caused by his death, testified the estimation in which he was held by his countrymen. Nothing could excel his long, bright and glorious career in life, but the tranquil manner in which he left it.

"We are informed, by the proceedings of the Supreme Court on the mournful occasion of his death, that at the moment of his dissolution, his mind was cheerful, and his conversation instructive. Full of years, and full of honors, he left without a struggle or a murmur, a world of gloom for an eternity of glory. Truly was it said by one who knew him well, that he was a good man and a great Judge.

"The General Assembly of the State of North Carolina feel their inability to express their own feelings, or those of their constituents, in view of the loss which the State has sustained ; yet they deem it

due to the memory of departed talents, and gratitude for his long and faithful services, to offer the following

RESOLUTIONS :

“Resolved, by the General Assembly of the State of North Carolina, That in the death of William Gaston, one of the Judges of the Supreme Court, the State has experienced a loss of one of its most patriotic citizens—a faithful public servant, and a learned and impartial Judge.

“That in the course of a long and varied life, his bright career is left to us an example worthy of all imitation, and his unsullied character one of the brightest jewels of the State.

“That the Governor of the State transmit a copy of these Resolutions, with the Preamble, to the family of the deceased; and that they be spread on the Journals of both branches of the General Assembly.”

A message from the Senate, informing that they had passed the following Engrossed Bills, viz :

A Bill concerning a Penitentiary ;

And a Bill more effectually to prevent the imprisonment of Honest Debtors ; and asking the concurrence of this House.

The said Bills were read the first time and passed.

A message from the Senate, informing that Messrs. Halsey and Walker form their branch of the Joint Select Committee, to whom was referred the message of His Excellency, the Governor, in relation to the History of the State.

A message from the Senate, informing that they had passed the Bill extending the time for perfecting titles to land heretofore entered, with an amendment ; and asking the concurrence of this House.

The amendment was concurred in, and the Senate so informed.

Received from His Excellency, the Governor, by his Private Secretary, Mr. Reynolds, a communication, calling the attention of the Legislature to the law directing the appointment, and the continuance in office, of Secretary of State, Treasurer and Council of State.

Which was read, and referred to the Committee on the Judiciary.

Also, another communication from the Governor, transmitting a claim from David Patton, for additional compensation for his services in superintending the building of the State Capitol.

Which was referred to the Committee on Claims.

Received also from His Excellency, Governor Morehead, another communication, in reply to a Resolution calling upon him for information, relating to an Asylum for the Blind, and Deaf and Dumb, and Insane.

The communication was read, and on motion of Mr. Littlejohn, ordered that it be printed.

Mr. Brown presented a Bill, to appoint Commissioners for the Town of Rockford, in the County of Surry.

Which was read the first time and passed.

Mr. Moore called up for consideration, the Bill laid upon the table, on his motion, this morning, entitled a Bill, to authorize the Wilmington and Raleigh Rail Road Company to issue Bonds to the amount of \$100,000, to redeem a like amount of Bonds issued under the Act, entitled an Act, for the relief of the Wilmington and Raleigh Rail Road Company.

And the question, Shall the said Bill pass the second reading, was decided in the affirmative—Yeas 68, Nays 41.

Yeas and Nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were

Messrs. Atkins,

Barco,

D. A. Barnes,

Brower,

Brown,

Caldwell,

Calloway,

Cherry,

Church,

Cochran,

Credle,

Davenport,

Davis,

Doak,

Douthit,

Emerson,

Messrs. Mebane,

Mills,

Mitchell,

Moore,

Murphy,

McIntyre,

McLean,

McNair,

Nixon,

R. T. Paine,

C. L. Payne,

Perkins,

Phifer,

Poindexter,

Pratt,

Purveyer,

Fagg,
Faucett,
Fleming,
Foy,
Gambill,
George,
Golding,
Graves,
Grist,
Guthrie,
Hackney,
Harris,
Haughton,
Hayes,
Jackson,
Leathers,
Locke,
Lord,

Regan,
Reid,
Roane,
T. Robinson,
Rush,
Sharpe,
Shepard,
Smith,
Street,
Taliaferro,
Thrash,
Trull,
Waddill,
Washington,
Watters,
White,
Whitehurst,
T. Wilson.—68.

Those who voted in the negative, were

Messrs. Adams,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Burgin,
Collins,
Cunningham,
J. G. Dickson,
W. Dickson,
Dunn,
Edwards,
Ellis,
Gatling,
Hamrick,
Harrison,
Jones,
Keener,

Messrs. Kelly,
Kirk,
Lea,
Lemmond,
Mangum,
Martin,
McNeill,
Rankin,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—41.

On motion of Mr. Mills, the Bill was again read the third time.

Mr. Guthrie moved to strike out of the Bill, the section and amendment adopted on the second reading of the Bill this morning.

And this question to strike out, was decided in the affirmative—Yeas 62, Nays 49.

Yeas and Nays demanded by Mr. Puryear.

Those who voted in the affirmative, were

Messrs. Barco,

D. A. Barnes,

Bond,

Brower,

Brown,

Burgin,

Caldwell,

Calloway,

Cherry,

Church,

Clayton,

Cochran,

Credle,

Davenport,

Davis,

W. Dickson,

Doak,

Douthit,

Emerson,

Fagg,

Faucett,

Foy,

Gambill,

George,

Golding,

Grist,

Guthrie,

Hackney,

Harris,

Haughton,

Hayes,

Messrs. Keener,

Leathers,

Littlejohn,

Locke,

Lord,

Mebane,

Mills,

Moore,

McLean,

McNair,

R. T. Paine,

C. L. Payne,

Perkins,

Phifer,

Poindexter,

Pratt,

Puryear,

Reid,

Roane,

T. Robinson,

Rush,

Sharpe,

Smith,

Street,

Thrash,

Trull,

Waddill,

Washington,

Watters,

Whitehurst,

T. Wilson.—62.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—49.

The question—Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 63, Nays 48.

The Yeas and Nays demanded by Mr. Atkins.

Those who voted in the affirmative, were

Messrs. Barco,
D. A. Barnes,
Bond,
Bridgers,
Brower,
Brown,

Messrs. Keener,
Leathers,
Littlejohn,
Locke,
Lord,
Mebane,

Burgin,	Mills,
Caldwell,	Moore,
Calloway,	McLean,
Cherry,	McNair,
Church,	R. T. Paine,
Clayton,	C. L. Payne,
Cochran,	Perkins,
Credle,	Phifer,
Davenport,	Poindexter,
Davis,	Pratt,
W. Dickson,	Puryear,
Doak,	Reid,
Douthit,	Roane,
Emerson,	T. Robinson,
Fagg,	Rush,
Faucett,	Sharpe,
Foy,	Smith,
Gambill,	Street,
George,	Thrash,
Golding,	Trull,
Grist,	Waddill,
Guthrie,	Washington,
Hackney,	Watters,
Harris,	Whitehurst,
Haughton,	T. Wilson.—63.
Hayes,	

Those who voted in the negative, were

Messrs. Adams,	Messrs. Mangum,
Atkins,	Martin,
E. Barnes,	Mitchell,
J. Barnes,	Murphy,
Beaman,	McIntyre,
Brame,	McNeill,
Brogden,	Nixon,
Collins,	Rankin,
Cunningham,	Regan,
J. G. Dickson,	Reinhardt,
Dunn,	Richardson,
Edwards,	H. Robinson,
Ellis,	Sanders,
Fleming,	Scales,

Gatling,
Graves,
Hamrick,
Harrison,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Shaw,
Shepard,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—48.

Ordered that said Bill be Engrossed.
On motion of Mr. Mills,

Ordered, That the Bill providing for the re-organization of the Portsmouth and Roanoke Rail Road Company, be made the special order of the day for to-morrow, half past 10 o'clock.

The House then adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, JAN. 1, 1845.

The Speaker appointed Messrs. Poindexter, Mebane and Atkins to compose, on behalf of the Commons, the Joint Select Committee raised upon the Message of His Excellency, the Governor, of the 30th ult., in relation to the Correspondence published by order of the Senate, between the Governor and Public Treasurer.

Mr. Mills presented the following Resolution, viz:

WHEREAS, the people of North Carolina are anxious to have within her borders, Asylums for the Deaf and Dumb, and Blind, and Insane; and unless the General Government will pay over the Fourth Instalment of the surplus revenue, as provided by an Act of Congress, passed in the year 1836, and which the National faith stands pledged to carry out, these humane institutions cannot be erected without heavy taxation: And whereas, it now appears, that owing to obligations entered into previous to the meeting of this General Assembly, it becomes indispensably necessary to raise money to meet the said obligations, without a resort to taxation. Therefore,

Be it Resolved, by the General Assembly of the State of North Carolina, That in the opinion of this Legislature, it is the duty of our Senators and Representatives in Congress, to use their efforts to procure the payment of said instalment, amounting to \$477,919 59, that the finances of the State may be relieved from embarrassment, and that the State may be enabled, without taxation, to establish the charitable institutions demanded by the people.

Resolved, That the Governor of this State be requested to forward a copy of these Resolutions to each of our Senators and Representatives in Congress, with a request that they lay them before their respective bodies.

These Resolutions were read the first time and passed.

On motion of Mr. Mills, the said Resolutions were again read the second time,

And the question—Shall the said Resolutions pass the second reading, was decided in the affirmative—Yeas 63, Nays 44.

The Yeas and Nays demanded by Mr. Mills.

Those who voted in the affirmative, were

Messrs. Adams,

Barco,

D. A. Barnes,

Bond,

Brower,

Brown,

Burgin,

Caldwell,

Calloway,

Cherry,

Messrs. Keener,

Leathers,

Locke,

Lord,

Mebane,

Mills,

Moore,

McLean,

McNair,

R. T. Paine,

Church,
 Clayton,
 Cochran,
 Credle,
 Davis,
 W. Dickson,
 Doak,
 Douthit,
 Emerson,
 Fagg,
 Faucett,
 Foy,
 Gambill,
 Gee,
 George,
 Golding,
 Grist,
 Guthrie,
 Guyther,
 Hackney,
 Haughton,
 Hayes,

C. L. Payne,
 Perkins,
 Poindexter,
 Pratt,
 Prentiss,
 Puryear,
 Reid,
 Roane,
 T. Robinson,
 Rush,
 Sharpe,
 Smith,
 Street,
 Thrash,
 Trull,
 Waddill,
 Washington,
 Watters,
 Whitehurst,
 N. Wilson,
 T. Wilson.—63.

Those who voted in the negative, were

Messrs. E. Barnes,
 J. Barnes,
 Beaman,
 Brame,
 Brogden,
 Bullock,
 Collins,
 Cunningham,
 J. G. Dickson,
 Dunn,
 Edwards,
 Ellis,
 Fleming,
 Gatling,
 Graves,
 Hamrick,
 Harrison,

Messrs. Lea,
 Lemmond,
 Martin,
 Mitchell,
 McIntyre,
 Nixon,
 Rankin,
 Regan,
 Reinhardt,
 Richardson,
 H. Robinson,
 Sanders,
 Scales,
 Shaw,
 Stone,
 Shepard,
 Taliafero,

Hawkins,
Jackson,
Jones,
Kelly,
Kirk,

White,
Wilder,
N. L. Williamson,
R. P. Williamson,
Woodward.—44.

On motion of Mr. Scales,

Ordered, That said Resolutions be made the special order of the day for Friday next, at 3 o'clock, P. M. ; and that they be printed.

Mr. Shepard presented a Bill to restrain Notaries from exacting exorbitant Fees for their services.

Which was read the first time and passed.

On motion of Mr. Doak,

Resolved, That this House will begin to-night, to hold Sessions after night, until the Bills now on the Speaker's table are disposed of.

The House now proceeded to the consideration of the Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

And pending the question on the passage of the Bill the second reading, the Speaker announced that the hour had arrived when, by the Joint Order of the two Houses, the qualification of the Governor elect was to take place.

Whereupon, a message was sent to the Senate, informing that body of the readiness of this House to receive the Senate in the Hall of the Commons to witness the Inauguration.

The Senate thereupon appeared in the Commons Hall, and were received by the Members of the House, standing and uncovered.

The Speaker of the Senate took his seat on the right of the Speaker of the House at the Speaker's desk, and the Senators took their seats on the right of the Chair.

When William A. Graham, the Governor elect, attended by the Ex Governor, John M. Morehead, the Judges of the Supreme Court, and the Joint Select Committee heretofore appointed, appeared before the General Assembly ; and after delivering an Address, took and subscribed the Oaths of Office prescribed by law, for the qualification of the Governor of the State.

The Oaths having been administered by the Hon. Chief Justice Ruffin.

His Excellency, Gov. Graham, with his attendants, having withdrawn from the Hall, the Speaker of the Senate announced that the Senate would retire to their Chamber.

This was done accordingly, and the Speaker of the Commons having called the House to order, on motion, the House took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion, leave of absence from the service of the House from and after this day, until the end of the Session, was granted to Mr. Sharpe.

Mr. Lord, from the Committee on Propositions and Grievances, to whom the Memorials of John D. Hawkins and others were referred, reported a Resolution in favor of John D. Hawkins, of Franklin County, and William E. Wyche and others, of Granville County.

Which was read the first time and passed.

Mr. Lord, from the same Committee, reported with an amendment the Bill relating to the Buncombe Turnpike Road, in Buncombe and Henderson Counties.

The amendment was concurred in, and the Bill read the second time and passed.

Mr. Lord, from the same Committee, reported a Bill, to allow the Justices of the Peace of Hyde County to lay a tax, for the purpose of purchasing the Mattamuskeet and Rosebay Turnpike.

Which was read the first and second times and passed.

Mr. T. Wilson, from the Committee on Claims, reported a Resolution in favor of A. H. Van Bokkelin.

Which was read the first time and passed.

Mr. T. Wilson, from the same Committee, reported unfavorably on the Bill to lease a Silver Mine to Thomas W. P. Poindexter, the discoverer, and for other purposes.

When the same was read and laid on the table.

Mr. Washington, from the Committee on Internal Improvement, reported without amendment, the Bill to authorize the Portsmouth and Roanoke Rail Road Company, to charge Tolls on their Bridge over Roanoke River, near the Town of Weldon.

When the said Bill was read the second time and passed.

The Bill to revive an Act for the better regulation of the Town of Warrenton, in Warren County, was read the second time and passed.

Mr. Wilder, from the Select Committee to whom was referred the Bill to authorize the business of Banking in the State of North Carolina, reported unfavorably thereon, and asked that the Committee be discharged from the further consideration of the subject.

The Committee was discharged, and on Mr. Jone's motion, the said Bill was laid upon the table till the fourth of March next.

The House proceeded to the consideration of the Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

And pending the question on the passage of the Bill the second reading, the House took a recess until half-past six o'clock.

HALF PAST 6 O'CLOCK, P. M.

The question pending on the last adjournment of the House was, on motion of Mr. Jones, made the special order of the day for tomorrow, at half-past ten o'clock.

The Engrossed Bill to incorporate the Franklinsville Guards in the County of Randolph;

The Engrossed Bill to prevent the obstruction of Fish passing up the Creek called Six Runs, in the County of Sampson;

The Engrossed Bill making compensation to the Jurors of the County of Hyde;

The Bill more effectually to suppress the offence of trading with Slaves;

The Engrossed Bill to amend the 5th Section of the 19th Chapter of Revised Statutes;

The Engrossed Bill to extend the provisions of an Act passed in 1830-1, entitled an Act for the relief of such persons as may suffer from the destruction of the records of the County of Hertford, occasioned by the burning of the Court House and Clerk's Offices;

The Engrossed Bill to alter the mode of appointing Constables in Tyrrell County;

The Engrossed Bill to attach a portion of the Militia of the 69th Regiment to the 68th Regiment;

And the Engrossed Bill to repeal an Act passed in 1828, so far as it extends to the County of Martin;

Were severally read the third time, passed, and ordered to be Enrolled.

The Bill to cede a portion of Rutherford County to the County of Cleaveland;

The Bill to amend an Act, entitled an Act, to punish the defaults of Returning Officers, in the election of Electors for President and Vice President of the United States;

The Bill to incorporate a Corps of Cavalry in the County of Perquimons;

The Bill to appoint Commissioners to view and lay off a Road in the County of Ashe;

And the Bill to give to the County Court of Stanly County, two Jury Terms;

Were severally read the third time, passed, and ordered to be Engrossed.

The Engrossed Bill to protect the public Bridges in Tyrrell and Washington Counties;

And the Engrossed Bill, to alter the mode of appointing Constables in Beaufort County;

Were each read the third time and passed.

Ordered that the concurrence of the Senate be asked in the amendments heretofore made to said Bills.

The Bill to open the Pedee and Yadkin Rivers;

The Resolution in favor of Michael Francis;

And the Resolution in favor of Thomas Wilson, Sheriff of Yancy County;

Were each read the third time, passed and ordered to be Engrossed.

The Engrossed Bill to provide for a vacancy in the office of County Surveyor;

And the Engrossed Resolution in favor of Wm. J. Lewis;

Were each read the third time, passed, and ordered to be Enrolled.

The Bill concerning Sheriffs and Constables;

The Bill to authorize Wm. Bland, of Chatham County, to construct a dam across Haw River, and erect a Mill thereon;

The Bill to incorporate the Fayetteville Library Institute;

The Bill assenting to the purchase by the United States, of certain land in the Town of Wilmington, and ceding the jurisdiction of North Carolina over the same, under certain conditions;

The Bill to compel the Entry-taker of Union County to keep his office in the Court House of said County;

The Bill for a Canal from Cape Fear to Lumber River;

The Bill to incorporate the Town of Pittsboro', in the County of Chatham;

The Bill to loan to the North Carolina Military Academy, at Raleigh, for the use of the Cadets thereof, the necessary Military Equipments;

The Bill to exempt Justices of the Peace from working on Roads;

And the Bill to provide a suitable punishment for owners or occupiers of Houses burning the same, under the circumstances therein mentioned;

Were severally read the third time, passed, and ordered to be Engrossed.

The Bill to lay off a public Road in Cherokee County, and to make an appropriation for the same, was read the third time.

And the question—Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 46, Nays 35.

Yeas and Nays demanded by Mr. Brogden.

Those who voted in the affirmative, were

Messrs. Bond,
Brower,
Brown,
Burgin,

Messrs. Kirk,
Leathers,
Locke,
Mebane,

Calloway,
Church,
Clayton,
Credle,
Davis,
W. Dickson,
Doak,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Gambill,
George,
Golding,
Guyther,
Haughton,
Hayes,
Jackson,
Keener,

Mills,
McLean,
McNair,
R. T. Paine,
C. L. Payne,
Phifer,
Poindexter,
Purvey,
Rankin,
Regan,
Reid,
Reinhardt,
Roane,
Street,
Thrash,
Trull,
Waddill,
Washington,
Whitehurst.—46.

Those who voted in the negative, were

Messrs. Atkins,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
J. G. Dickson,
Douthit,
Dunn,
Edwards,
Gatling,
Graves,
Hackney,
Hamrick,
Hawkins,
Jones,
Kelly,

Messrs. Lemmond,
Mitchell,
McIntyre,
McNeill,
Perkins,
Pratt,
Richardson,
H. Robinson,
Rush,
Sanders,
Scales,
Shaw,
Smith,
Taliaferro,
N. L. Williamson,
R. P. Williamson.—39.

Ordered that said Bill be Engrossed.

The Bill supplemental to an Act passed in the year 1838, supplemental to an Act passed in 1834, to lay off and establish a Road from Morganton, in Burke County, by Burnsville, in Yancy County, to the Tennessee line.

The Bill to revive and continue in force an Act passed in the year 1841, entitled an Act, to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in Buncombe County;

The Bill to change the place of holding the County Courts of McDowell County;

The Bill making compensation to Tales Jurors in the County of Person;

The Bill to provide for the opening and clearing out of Muddy Creek and its branches, in Stokes County;

The Bill to incorporate the Carthage Male and Female Academy, in the County of Moore;

The Bill concerning Passengers and Vessels coming to the Ports of this State;

The Bill to amend the Acts relative to the Charter of the City of Raleigh;

The Resolution in favor of the Commissioners of Raleigh;

The Bill relating to Buncombe Turnpike Road, in Buncombe and Henderson Counties;

Were each read the third time, passed, and ordered to be Engrossed.

Mr. Roane presented a Bill, to improve a part of the State Road leading from the Town of Franklin, in Macon County, across the Nantahala and Valley River Mountain, to the new Town called Murphy.

And also, the Bill to establish and regulate a Turnpike Road in the County of Macon, to be called the Tennessee River Turnpike Company.

These Bills were read the first time and passed, and referred to the Committee on Internal Improvement.

The Engrossed Bill to amend an Act passed January 7th, 1841, entitled an Act to secure the State against any and every liability incurred for the Raleigh and Gaston Rail Road Compa-

ny, and for the relief of the same, was, on motion of Mr. Mcbane, laid on the table.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, JAN. 2, 1845.

Mr. Washington, from the Committee on Internal Improvement, reported with an amendment, the Bill to authorize the making a Turnpike Road in the County of Wilkes, and to incorporate a Company for that purpose.

The amendment was concurred in, and the Bill read the second time and passed.

On motion, the said Bill was again read the third time and passed, and ordered to be Engrossed.

Mr. Gambill presented a Bill, to regulate Constables' Sales. Which was read the first time and passed.

Mr. Street presented a Bill, to repeal an Act passed in the year 1842, entitled an Act, to repeal an Act passed in the year 1835, entitled an Act to abolish the office of County Trustee in the County of Moore, and for other purposes.

Mr. Church, a Bill to amend an Act passed at the Session of the Legislature of '40-'41, entitled an Act for the establishment and better regulation of Common Schools;

And Mr. a Bill bearing the same title with the last named.

These Bills were read the first time and passed.

Mr. Guthrie presented a Bill from the Joint Select Committee

on the Library, entitled a Bill in relation to the State Library and the Capitol.

Which was read the first time and passed.

Mr. Woodward presented a Bill, to amend an Act passed at the last Session of the General Assembly, entitled an Act to amend an Act concerning Coroners.

Which was read the first time and passed.

Mr. Ehringhaus, from the Committee on Military Affairs, reported the Bill to incorporate a Volunteer Infantry Company in Washington, Beaufort County, with an amendment.

Which was concurred in, and the Bill, as amended, read the second time and passed.

Mr. D. A. Barnes, from the Committee on Private Bills, reported unfavorably on the petition from Carteret County, in relation to fees of the Sheriff of said County, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. White presented a Bill, to repeal a part of the 16th Section of 52d Chapter of Revised Statutes, entitled an Act concerning the General Assembly of the State of North Carolina, and to amend the same.

Which was read the first time and passed, and referred to the Committee on Privileges and Elections.

Mr. D. A. Barnes, from the Committee on Private Bills, to whom a petition on the subject was referred, reported a Bill to repeal an Act, entitled an Act, to repeal the 3d Section, passed in the year 1825, Chapter 1272, entitled an Act, to direct the manner in which Licenses shall hereafter be issued to Retailers of Spirituous Liquors, so far as regards the Counties of New Hanover and Richmond.

Which was read the first time and passed.

Mr. Caldwell, from the Select Committee to whom the memorial from Haywood and Macon Counties was referred, reported a Resolution relating to the Cherokee Indians residing in North Carolina.

Which was read the first time and passed.

The House resumed the consideration of the Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Mr. Ellis moved to amend said Bill by adding certain sections, and a division of the question being called, the question on the

adoption of the first amendment in the following words, viz: at the close of the third section, add

“Except so much of the Charter heretofore granted to said Portsmouth and Roanoke Rail Road Company, as authorizes the President and Directors of said Company, by themselves, their officers, agents, or servants, to enter upon any Lands adjacent to the line of the said Road, without the consent of the proprietors thereof, and take therefrom, Wood and Stone, for the repairing and keeping up said Road.”

Was submitted to the House, and was decided in the negative—
Yeas 52, Nays 62.

Yeas and Nays demanded by Mr. Sanders.

Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Brown,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Foy,
Gauling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Odom,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
Waddill,
White,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—52.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Bridgers,
Brower,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Emerson,
Fagg,
Faucett,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Haughton,

Messrs. Hayes,
Jackson,
Leathers,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Puryear,
Reid,
Roane,
T. Robinson,
Rush,
Smith,
Street,
Thrash,
Trull,
Washington,
Watters,
Whitehurst,
R. P. Williamson,
T. Wilson.—62.

Received a message from the Senate, proposing to rescind the Joint Resolution heretofore made, to adjourn the two Houses on the 6th instant, *sine die*.

Ordered, on motion of Mr. T. Wilson, that said message do lie on the table.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the Resolution in favor of Porteus Moore.

When the same was read and rejected.

The House then took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The House resumed the consideration of the Bill, providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Mr. Ellis moved to amend said Bill, by adding the following section:

SEC. XI. *And be it further enacted*, That if a Judgment or Decree shall at any time be obtained before any competent Tribunal in this State against the Company hereby created, and the same shall not be paid by the Company, it shall be lawful for the Plaintiff in such Judgment, to sue out his Execution, and cause to be seized and sold by the officer to whom the same is directed, any Locomotive, Car, Engine, Coach and other goods and chattels of said Company; and should no goods and chattels of said Company be found, or not a sufficiency thereof, after a sale, to satisfy such Execution, then and in that case, it shall be lawful for the officer having such execution, to levy the same upon any, or all of said Road lying within his County; and the same on the premises, or in view thereof, or some part thereof, to expose to sale to the highest bidder, together with the Timber, Iron Rails, &c., and all the fixtures and Machinery pertaining, or in any wise attached thereto.

SEC. XII. That unless, by the assent of this Legislature first had and obtained, it shall not be lawful for the said Company to make any transfer or assignment, whether by Mortgage, Deed in Trust, or otherwise, of the said Rail Road, or any part thereof; or of any property, real or personal, belonging to the same, whereby to give a preference to any creditor of said Company, or to any individual, or body corporate, having any demand against the same; but any and every such

assignment or transfer so made as aforesaid, shall, as against any creditor of said Company, or person, or body corporate, having a demand against the same, be absolutely void, and of no effect.

SEC. XIII. *Be it further enacted*, That the Stockholders in the said Company shall be individually liable for the debts, contracts, and liabilities of the said Company, as follows, that is to say: Whenever it shall be suggested to any Court in this State, by any creditor of said Company, having a Judgment or Decree therein against the same, that execution has issued thereon against the said Company, both to the County of Halifax and Northampton, (which the Plaintiff in such Judgment or Decree is hereby allowed to do, at the same time taking satisfaction however upon one only of his executions,) and that the officers to whom the same were directed have returned the same unsatisfied, for want of property of the Company wherewith to satisfy the same, it shall be the duty of said Court to grant to the Plaintiff a *Scire Facias*, or Writ in the nature thereof, to be directed to the Stockholders in the said Company, and requiring them to appear and shew cause if any they have, why the Plaintiff in such Judgment or Decree against said Company, shall not have execution for the same against them, and service of the said *Scire Facias* upon such of the Stockholders as reside in this State, shall be deemed and taken as service of the same upon the Stockholders residing out of the State; so as to enable the Plaintiff to proceed to Judgment against them on his said *Scire Facias*, in case they fail to appear, as though the same had been personally served upon them; and should the Defendants on the trial of the said *Scire Facias*, fail to shew good cause to the contrary, Judgment final shall be rendered by the Court upon the same, in favor of the Plaintiff, for the full amount of his said Judgment or Decree, and he shall have execution thereon for the same, to be satisfied out of the Defendants in the said *Scire Facias*, or any of them.

SEC. XIV. *Be it further enacted*, That when any Judgment shall be obtained against the said Company, before any Justice of the Peace, and the officer, to whom execution shall issue thereon against said Company, shall make return of nothing to be found, it shall be the duty of the Justice to whom the same shall be returned, if the Plaintiff shall desire him so to do, to certify the same, and make due return of the said Judgment and proceedings thereupon, to the next County Court of his County where the same proceedings may be had, as are provided in the foregoing Section.

SEC. XV. *Be it further enacted*, in order the more effectually to enforce the provisions aforesaid against the Stockholders in said Company, that it shall be the duty of the President of the said Company, when the same shall be duly organized, to report to the Governor of

this State the names of all the Stockholders in the said Company; and he shall thereafter, on the first of January in each and every year, report in like manner, who are the Stockholders in the same; which said reports shall be filed in the Executive Office, and a copy of the same duly certified by the Governor, and which it shall be his duty to cause to be made out and delivered to any person applying for the same, shall be *prima facie* evidence in any proceedings under this Act against the said Stockholders, that the persons whose names are therein stated, were Stockholders in the said Company at the time of the making the said return by the President thereof; and the said persons, each and every one of them, shall be deemed and held liable under this Act, as Stockholders, in any proceeding instituted against them by any creditor of the said Company, in less than twelve calendar months from the date of any such return, notwithstanding any transfer or assignment of his or their Stock upon the books of said Company, or otherwise. And if the President of said Company shall fail or neglect to make his said returns of the names of the Stockholders in said Company, as required by this Act, he shall be guilty of a misdemeanor, and it shall be the duty of the Attorney General, or other officer prosecuting on behalf of the State in the Superior Court of Northampton County, to institute a prosecution against him; and upon conviction, he shall be fined and imprisoned, or either, at the discretion of the Court. And it shall be the duty of the Governor, whenever the said President of said Company shall fail or neglect to make his returns as aforesaid, to cause the same to be duly certified to the Attorney General, or other officer prosecuting for the State in said Court; and which said certificate shall be evidence against the Defendant, in any such prosecution.

SEC. XVI. *Be it further enacted*, in order to prevent fraud in the assignment or transfer of Stock by the Stockholders in said Company, to persons who are insolvent or irresponsible, with the intent to escape the liabilities hereby imposed upon them, that when any creditor of said Company shall have obtained his Judgment or Decree against said Company, as aforesaid, and the same shall be unsatisfied as aforesaid, for want of property in the Company, he shall be authorized to file his Bill in Equity against any or all of such Stockholders, as shall have made an assignment or transfer of his Stock in said Company, with such fraudulent intent, &c., &c.

The question on adopting this amendment was decided in the negative—Yeas 48, Nays 63.

The Yeas and Nays demanded by Mr. Ellis.

Those who voted in the affirmative, were

Messrs. Atkins,

E. Barnes,

J. Barnes,

Beaman,

Brame,

Bridgers,

Brogden,

Bullock,

Collins,

Cunningham,

J. G. Dickson,

Dunn,

Edwards,

Ellis,

Fleming,

Gatling,

Graves,

Hamrick,

Harrison,

Hawkins,

Jones,

Kelly,

Kirk,

Lea,

Messrs. Lemmond,

Mangum,

Martin,

Murphy,

McIntyre,

McNeill,

Nixon,

Prentiss,

Rankin,

Regan,

Reinhardt,

Richardson,

H. Robinson,

Sanders,

Scales,

Shaw,

Shepard,

Stone,

Taliafero,

White,

Wilder,

N. L. Williamson,

N. Wilson,

Woodward.—48.

Those who voted in the negative, were

Messrs. Adams,

Barco,

D. A. Barnes,

Bond,

Brown,

Burgin,

Caldwell,

Calloway,

Cherry,

Church,

Clayton,

Messrs. Hayes,

Jackson,

Keener,

Leathers,

Locke,

Lord,

Mebane,

Miller,

Mills,

Moore,

McLean,

Cochran,
Cradle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guthrie,
Guyther,
Hackney,
Haughton,

McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Puryear,
Reid,
T. Robinson,
Rush,
Smith,
Thrash,
Trull,
Washington,
Watters,
Whitehurst,
R. P. Williamson,
T. Wilson.—63.

The question, Shall the said Bill pass the second reading, was decided in the affirmative—Yeas 61, Nays 53.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,

Messrs. Haughton,
Hayes,
Keener,
Leathers,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,

Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gatling,
Gee,
George,
Golding,
Grist,
Guthrie,

Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Purveyar,
Reid,
T. Robinson,
Smith,
Street,
Thrash,
Trull,
Waddill,
Watters,
R. P. Williamson,
T. Wilson.—61.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Graves,
Guyther,
Hackney,
Hamrick,

Messrs. Mangum,
Martin,
Murphy,
McIntyre,
McNeill,
Nixon,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Rush,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,

Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Washington,
White,
Whitehurst,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—53.

The Bill, on motion of Mr. Moore, was again read the third time, and amended on the several motions of Messrs. Moore and Bridgers.

And the question, Shall the said Bill pass the third reading, was decided in the negative—Yeas 56, Nays 58.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,

Messrs. Guthrie,
Haughton,
Hayes,
Keener,
Leathers,
Locke,
Lord,
Mcbane,
Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Purveyar,
Reid,
Roane,
T. Robinson,

Gambill,
Gee,
George,
Golding,
Grist,

Thrash,
Trull,
Waddill,
R. P. Williamson,
T. Wilson.—56.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Doak,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Guyther,
Hackney,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Pratt,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Rush,
Scales,
Shaw,
Shepard,
Smith,
Stone,
Taliafero,
Washington,
Watters,
White,
Whitehurst,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—58.

The Bill to establish a new County by the name of Graham, was read the second time.

Mr. Scales moved that said Bill be postponed indefinitely.

The question thereon was decided in the affirmative—Yeas 56,
Nays 54.

Those who voted in the affirmative, were

Messrs. Adams,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Brown,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Faucett,
Foy,
Gatling,
Gee,
Golding,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,

Messrs. Lemmond,
Mangum,
Martin,
Mitchell,
McIntyre,
Nixon,
Odom,
Pratt,
Puryear,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
T. Wilson,
Woodward.—56.

Those who voted in the negative, were

Messrs. Atkins,
Barco,
Bond,

Messrs. Hayes,
Keener,
Leathers,

Brower,
 Burgin,
 Caldwell,
 Calloway,
 Cherry,
 Church,
 Clayton,
 Cochran,
 Credle,
 Davenport,
 Davis,
 W. Dickson,
 Doak,
 Douthit,
 Ehringhaus,
 Emerson,
 Fagg,
 Fleming,
 Gambill,
 George,
 Grist,
 Guthrie,
 Guyther,
 Haughton,

Locke,
 Lord,
 Mebane,
 Miller,
 Mills,
 Murphy,
 McLean,
 McNair,
 McNeill,
 R. T. Paine,
 C. L. Payne,
 Phifer,
 Poindexter,
 Prentiss,
 Reid,
 Roane,
 T. Robinson,
 Rush,
 Smith,
 Street,
 Thrash,
 Trull,
 Waddill,
 Watters.—54.

Mr. Hawkins presented a Resolution in favor of William T. Bain.

Which was referred to the Committee on Claims.

The Resolution concerning the Bonus or surplus profits in the Bank of the State, was read the second time, and on motion of Mr. Mebane referred, together with the papers accompanying, to the Committee on Finance, with instructions to report as speedily as practicable.

The House then took a recess till half-past six o'clock, P. M.

HALF PAST 6 O'CLOCK, P. M.

The Bill to incorporate a Volunteer Infantry Company, in

Washington, Beaufort County, was read the third time, passed, and ordered to be Engrossed.

The Bill to authorize the Portsmouth and Roanoke Rail Road Company to charge Tolls on their Bridge over Roanoke River, near the Town of Weldon, was read the third time, passed, and ordered to be Enrolled.

The Bill to allow the Justices of Hyde County to lay a tax for the purpose of purchasing Mattamuskeet and Rosebay Turnpike;

And the Bill to revive an Act for the better regulation of the Town of Warrenton, in Warren County;

Were read the third time, passed, and ordered to be Engrossed.

On motion of Mr. Ehringhaus, the Bill for the better regulation of the Militia of the State of North Carolina, was made the order of the day for to-morrow, at 12 o'clock.

The Engrossed Bill to repeal part of an Act of the General Assembly, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Yancy, was read the third time, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

The Bill to make Real Estate Assets, was read the second time and passed, and made the special order of the day for to-morrow.

The Bill more effectually to prevent the imprisonment of Honest Debtors, was read the second time.

And the question—Shall the said Bill pass the second reading, was decided in the affirmative—Yeas 70, Nays 32.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
Bond,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Calloway,

Messrs. Jackson,
Jones,
Keener,
Kelly,
Leathers,
Locke,
Lord,
Mangum,
Mebane,
Miller,
McLean,
McNeill,

Cherry,
Church,
Clayton,
Cochran,
Cradle,
Davenport,
Davis,
J. G. Dickson,
W. Dickson,
Doak,
Douthit,
Emerson,
Fagg,
Fleming,
Gambill,
Gauling,
George,
Golding,
Guthrie,
Guyther,
Hackney,
Haughton,
Hayes,

R. T. Paine,
Perkins,
Phifer,
Poindexter,
Pratt,
Puryear,
Rankin,
Regan,
Reinhardt,
Roane,
Rush,
Scales,
Smith,
Stone,
Street,
Taliaferro,
Thrash,
Trull,
Waddill,
Washington,
White,
Whitehurst,
N. L. Williamson.—70.

Those who voted in the negative, were

Messrs. E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Collins,
Cunningham,
Dunn,
Edwards,
Faucett,
Gee,
Graves,
Grist,
Hamrick,
Harrison,
Hawkins,

Messrs. Kirk,
Lea,
Lemmond,
Martin,
Mills,
Mitchell,
Murphy,
McIntyre,
McNair,
Odom,
Richardson,
H. Robinson,
Sanders,
Shaw,
Wilder,
N. Wilson.—32.

On motion, the said Bill was read the third time, passed, and ordered to be Enrolled.

The Engrossed Bill in favor of Poor Debtors, was read the second time and passed.

The Bill to prevent the levying of Executions upon Growing Crops, until said Crops are matured, was read the second time and passed, and made the order of the day for to-morrow.

The Bill entitled the Homestead Bill, was read, and on motion of Mr. Guthrie, indefinitely postponed.

The Engrossed Bill to incorporate a Milling Company in the County of Anson, was read the third time, passed, and ordered to be Enrolled.

The Bill for the relief of Samuel Lowers, was read the second time and passed.

The Engrossed Bill to authorize the Court of Pleas and Quarter Sessions of Beaufort County, to appoint special Justices of the Peace, and making compensation to such Justices for certain services, was read the second and third times, passed, and ordered to be Enrolled.

The Bill to incorporate the Trustees of Morganton Academy, was read the second and third times, passed, and ordered to be Engrossed.

The Resolution relating to the interchange of Documents, was read the second time and passed.

The Bill concerning the inspection of Flour, was read the second time and passed.

The House then adjourned till to-morrow morning ten o'clock.

FRIDAY, JAN. 3, 1845.

Mr. Ellis, from the Committee on Privileges and Elections, reported unfavorably on the Bill to repeal a part of the 16th section

of 52d chapter of Revised Statutes, entitled an Act concerning the General Assembly, and to amend the same.

When said Bill was read the second time and rejected.

Mr. Lord, from the Committee on Propositions and Grievances, reported unfavorably on the Bill, to create a County by the name of Blakely.

When said Bill was read, and on Mr. Lord's motion, laid upon the table.

Mr. Moore, from the Committee on the Judiciary, prayed that the Committee be discharged from the further consideration of two Bills referred to them, to prohibit the levying of Executions upon Growing Crops.

The Committee was discharged.

The said Bills, on Mr. Moore's motion, were indefinitely postponed.

The Bill to alter the time of holding the Superior Courts of Law and Equity for the Counties of Guilford and Orange, was read the second time, amended on motion of Mr. Seales, and passed.

The Engrossed Bill in favor of Poor Debtors, was read the third time.

The question, Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 101, Nays 12.

The Yeas and Nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs. Adams,

Barco,
D. A. Barnes,
E. Barnes,
Bond,
Brame,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Calloway,
Cherry,

Messrs. Kelly,

Kirk,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Martin,
Mebane,
Miller,
Mills,
Moore,
Murphy,
McLean,

Church,
Clayton,
Cochran,
Credle,
Collins,
Cunningham,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Edwards,
Ellis,
Emerson,
Fagg,
Faucett,
Fleming,
Foy,
Gambill,
Gatling,
Gee,
George,
Golding,
Grist,
Guyther,
Hackney,
Hamrick,
Harris,
Harrison,
Haughton,
Hawkins,
Hayes,
Jackson,
Jones,
Keener,

McNair,
McNeill,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Prentiss,
Puryear,
Rankin,
Regan,
Reid,
Reinhardt,
Richardson,
Roane,
T. Robinson,
Rush,
Sanders,
Scales,
Smith,
Stone,
Street,
Taliafero,
Thrash,
Trull,
Waddill,
Watters,
White,
Whitehurst,
Wilder,
N. L. Williamson,
N. Wilson,
T. Wilson,
Woodward.—101.

Those who voted in the negative, were

Messrs. Atkins,
J. Barnes,
Beaman,

Messrs. Mitchell,
McIntyre,
Nixon,

Bridgers,
Graves,
Mangum,

H. Robinson,
Shaw,
R. P. Williamson.—12.

Ordered that said Bill be Enrolled.

Mr. Shepard presented a Bill, to amend the Revised Statutes, entitled "Religious Societies."

Which was read the first, second, and third times, passed, and ordered to be Engrossed.

Mr. Watters, who voted in the majority on the question deciding against the passage of the Bill, providing for the re-organization of the Portsmouth & Roanoke Rail Road Company, moved that the House do reconsider that vote.

Pending the question on this motion, the House proceeded to the special order of the day, being the Engrossed Bill to change the location of the Court House of the County of Lincoln, and for other purposes.

The question being on the passage of the Bill the second reading, the House took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. T. Wilson, from the Committee on Claims, to whom was referred the memorial of David Patton, reported the same to the House without action, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Foy moved that the vote of the House yesterday, by which

it was decided that the Bill to create a new County by the name of Graham, should not pass, be now reconsidered.

This question was laid on the table.

On motion of Mr. Trull,

Resolved, That the Committee on Education be instructed to enquire into the expediency of having published, copies of the Constitution of the United States, and of this State—one copy for each voter; and that they report by Bill or otherwise.

The Engrossed Bill concerning a Penitentiary, was, on motion of Mr. Haughton, referred to the Select Committee raised on that subject.

The House proceeded to consider the Bill to change the location of the Court House of the County of Lincoln, and for other purposes.

The question—Shall the said Bill pass the third reading, was decided in the negative—Yeas 54, Nays 57.

Yeas and Nays demanded by Mr. Haughton.

Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brogden,
Brower,
Bullock,
Cochran,
Collins,
Credle,
Cunningham,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
George,
Graves,

Messrs. Martin,
Mitchell,
Murphy,
McClutye,
McNeill,
Nixon,
Poindexter,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Rush,
Sanders,
Shaw,
Shepard,
Stone,
Taliaferro,

Hackney,
Hamrick,
Harrison,
Jackson,
Jones,
Kirk,
Lea,
Leimond,
Mangum,

Trull,
White,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
T. Wilson,
Woodward.—54.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brame,
Bridgers,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gee,
Golding,
Grist,
Harris,

Messrs. Haughton,
Hawkins,
Hayes,
Keener,
Kelly,
Leathers,
Littlejohn,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
Odom,
C. L. Payne,
Perkins,
Phifer,
Pratt,
Prentiss,
Purveyar,
T. Robinson,
Scales,
Smith,
Street,
Thrash
Waddill,
Washington,
Watters.—57.

The question, Will the House reconsider the vote of yesterday, by which was rejected the Bill providing for the re-organization of the Portsmouth and Roanoke Rail Road Company, was taken up and decided in the affirmative—Yeas 63, Nays 48.

The Yeas and Nays demanded by Mr. Wilder.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Bridgers,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gatling,
Gee,
George,
Golding,
Grist,
Harris,

Messrs. Haughton,
Hayes,
Keener,
Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Puryear,
Reid,
T. Robinson,
Rush,
Smith,
Street,
Thrash,
Trull,
Waddill,
Watters,
Whitehurst,
R. P. Williamson,
T. Wilson.—63.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Graves,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,
Lemmond,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
Washington,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—48.

The said Bill being again taken up, Mr. Fleming offered the following amendment:

“Be it further enacted, That the property of said Company, after sale, shall be liable for its contracts.”

The question on the adoption of this amendment, was decided in the negative—Yeas 52, Nays 59.

The Yeas and Nays demanded by Mr. Fleming.

Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brown,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Faucett,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,

Messrs. Lea,
Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
Whitehurst,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—52.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Brower,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,

Messrs. Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLeau,
McNair,

Cochran,	Odom,
Credle,	C. L. Payne,
Davenport,	Perkins,
Davis,	Phifer,
W. Dickson,	Poindexter,
Doak,	Purveyer,
Douthit,	Reid,
Ehringhaus,	Roane,
Emerson,	T. Robinson,
Fagg,	Rush,
Gambill,	Smith,
Gee,	Street,
George,	Thrash,
Golding,	Trull,
Grist,	Waddill,
Harris,	Washington,
Hackney,	Watters,
Haughton,	R. P. Williamson,
Hayes,	T. Wilson.—59.
Keener,	

The question—Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 61, Nays 50.

Yeas and Nays demanded by Mr. J. Barnes.

Those who voted in the affirmative, were

Messrs. Adams,	Messrs. Keener,
Barco,	Leathers,
D. A. Barnes,	Littlejohn,
Bond,	Locke,
Bridgers,	Lord,
Brower,	Mebane,
Brown,	Miller,
Burgin,	Mills,
Caldwell,	Moore,
Calloway,	McLean,
Church,	McNair,
Clayton,	Odom,
Credle,	C. L. Payne,
Davenport,	Perkins,

Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Harris,
Haughton,
Hayes,

Phifer,
Poindexter,
Purvey,
Reid,
Roane,
T. Robinson,
Rush,
Smith,
Street,
Thrash,
Trull,
Waddill,
Watters,
Whitehurst,
R. P. Williamson,
T. Wilson.—61.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hackney,
Hamrick,
Harrison,
Hawkins,

Messrs. Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Prentiss,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,

Jackson,
Jones,
Kelly,
Kirk,
Lea,

White,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—50.

Ordered that said Bill be Engrossed.

The message from the Senate, proposing to rescind the Joint Resolution heretofore made to adjourn the two Houses on the 6th inst. was taken up for consideration and concurred in.

Mr. Moore presented a Resolution concerning the Printing of the Inaugural Addresses of the Governors of the State.

Which was read the first time and passed.

Mr. Wilder presented a Resolution in favor of Justin Martindale.

Which was referred to the Committee on Claims.

On motion, leave of absence from the service of the House, from and after Sunday next, was granted to Mr. Smith ;

And to Mr. Puryear, from and after Monday next.

The House then adjourned until to-morrow morning 10 o'clock.

SATURDAY, JAN. 4, 1845.

Mr. R. T. Paine, introduced a Bill to incorporate a Corps of Cavalry in the County of Chowan.

Which was read the first, second, and third times, passed, and ordered to be Engrossed.

The Bill for the relief of Samuel Lowers, was read the third time, passed, and ordered to be Engrossed.

The Bill to establish a new County by the name of Williams, was read the second time.

And the question, Shall the said Bill pass the second reading, was decided in the negative—Yeas 15, Nays 97.

The Yeas and Nays demanded by Mr. Taliaferro.

Those who voted in the affirmative, were

Messrs. Atkins,

Clayton,

Douthit,

Emerson,

Fagg,

George,

Rankin,

Reid,

Messrs. Reinhardt,

Roane,

T. Robinson,

Shaw,

Watters,

White,

N. Wilson.—15.

Those who voted in the negative, were

Messrs. Adams,

Barco,

D. A. Barnes,

E. Barnes,

J. Barnes,

Beaman,

Bond,

Brame,

Brower,

Brown,

Bullock,

Burgin,

Caldwell,

Calloway,

Cherry,

Church,

Cochran,

Collins,

Messrs. Kirk,

Lea,

Leathers,

Lemmond,

Littlejohn,

Locke,

Lord,

Mangum,

Martin,

Mebane,

Miller,

Mills,

Mitchell,

Moore,

Murphy,

McIntyre,

McLean,

McNair,

Credle,
 Cunningham,
 Davenport,
 Davis,
 W. Dickson,
 J. G. Dickson,
 Doak,
 Dunn,
 Edwards,
 Ehringhaus,
 Ellis,
 Faucett,
 Fleming,
 Foy,
 Gatling,
 Gambill,
 Gee,
 Golding,
 Graves,
 Grist,
 Guyther,
 Hackney,
 Hamrick,
 Harris,
 Harrison,
 Haughton,
 Hawkins,
 Jackson,
 Jones,
 Keener,
 Kelly,

McNeill,
 Nixon,
 Odom,
 R. T. Paine,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Prentiss,
 Puryear,
 Regan,
 Richardson,
 H. Robinson,
 Rush,
 Sanders,
 Scales,
 Shepard,
 Smith,
 Stone,
 Street,
 Taliafero,
 Thrash,
 Trull,
 Washington,
 Whitehurst,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 T. Wilson,
 Woodward.—97.

The Bill to create a County by the name of Blakely, was called up for consideration by Mr. Atkins, and on his motion amended.

When Mr. Cunningham moved to strike out the enacting clause of the Bill.

And this motion prevailed.

Mr. Littlejohn presented a memorial from sundry citizens of Granville County, praying the passing of a law, allowing to Constables commissions on sums by them collected.

Which was referred to the Committee on the Judiciary.

The Bill to improve a part of the State Road leading from the

Town of Franklin, in Macon County, across the Nantahala and Valley River Mountain, to the new Town called Murphy, was read the third time.

And the question—Shall the said Bill pass the third reading, was decided in the negative—Yeas 50, Nays 57.

Yeas and Nays demanded by Mr. Mangum.

Those who voted in the affirmative, were

Messrs. D. A. Barnes,

Bond,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Davis,
W. Dickson,
Doak,
Ehringhaus,
Emerson,
Fagg,
Fleming,
Gambill,
George,
Golding,
Grist,
Harris,
Haughton,
Hayes,
Keener,
Leathers,

Messrs. Littlejohn,

Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
R. T. Paine,
C. L. Payne,
Phifer,
Poindexter,
Purveyor,
Regan,
Reid,
Reinhardt,
Roane,
T. Robinson,
Street,
Thrash,
Trull,
Washington,
Watters,
White,
T. Wilson.—50.

Those who voted in the negative, were

Messrs. Adams,

Atkins,
Barco,
E. Barnes,

Messrs. Jones,

Kelly,
Kirk,
Lee,

J. Barnes,
 Beaman,
 Brame,
 Bridgers,
 Brogden,
 Brown,
 Bullock,
 Collins,
 Credle,
 Davenport,
 J. G. Dickson,
 Douthit,
 Dunn,
 Edwards,
 Ellis,
 Foy,
 Gatling,
 Gee,
 Graves,
 Guyther,
 Hackney,
 Hamrick,
 Harrison,
 Hawkins,
 Jackson,

Mangum,
 Martin,
 Mitchell,
 Murphy,
 McIntyre,
 McNair,
 McNeill,
 Nixon,
 Odom,
 Perkins,
 Prentiss,
 Richardson,
 H. Robinson,
 Rush,
 Shaw,
 Smith,
 Stone,
 Taliaferro,
 Whitehurst,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 Woodward.—57.

The Bill to incorporate the Town of Rockingham, in the County of Richmond, was read the second and third times, passed, and ordered to be Enrolled.

Received a message from the Senate, informing that they had passed the following Engrossed Bills and Resolutions, and asking the concurrence of this House, viz:

A Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same;

A Bill to abolish the Board of Internal Improvement, and for other purposes;

A Bill to provide for the removal of the obstructions to the navigation of Roanoke River, occasioned by the erection of the Petersburg Rail Road Bridge across the same;

A Resolution in favor of Wm. Thompson;

A Resolution in favor of John H. Wheeler, Public Treasurer;

A Resolution in relation to a National Flag.

These Bills and Resolutions were read the first time and passed.

The above named Resolution in favor of John H. Wheeler, Public Treasurer, was, on motion, referred to the Committee on Claims.

The Resolution in favor of William Thompson, was read the second and third times, passed, and ordered to be Enrolled.

The Resolution in relation to a National Flag, was read the second time and passed.

The resignation of Alexander Cunningham, as a Justice of the Peace of the County of Person, was presented, read and accepted.

The Engrossed Bill more effectually to secure debts due for Cherokee Lands, and to facilitate the collection of the same, was read the second time and passed, and made the order of the day for Monday, at 10 o'clock.

The House proceeded to the special order of the day, and took up the Resolutions in relation to the Fourth Instalment.

Mr. Scales moved to strike out the whole of said Resolutions after the word "Whereas," and insert the following:

"The General Government is now in debt about twenty-four millions of dollars; and whereas it appears by the last Message of the President of the United States, that there will be in the Treasury of the United States at the close of the fiscal year, about seven millions of dollars, which has unnecessarily accumulated under the operation of the present high Tariff, but which can be applied to the payment of the National debt, by the creation of a sinking fund for that purpose, and an unnecessary surplus in future prevented by a reduction of the Taxes according to the recommendation of the said Message, and the Report of the Secretary of the Treasury; and although the present General Assembly is somewhat embarrassed in consequence of payments made and to be made for Rail Roads, yet North Carolina is willing and able, as she has always been, to meet her own liabilities without supplicating the General Government for relief.

Be it therefore Resolved, That the Senators from this State be instructed, and the Representatives requested to use their utmost exertions to reduce the present Tariff to the wants of the Government, economically administered, and to apply any surplus in the Treasury to the "extinguishment of the present National debt."

Mr. Caldwell called for a division of the question.

And the question being taken first on *striking out*, was decided in the negative—Yeas 48, Nays 62.

Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,

Messrs. Lea,
Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliafero,
White,
Wilder,
N. L. Williamson,
R. P. Williamson.—48.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Brower,

Messrs. Haughton,
Hayes,
Keener,
Leathers,
Littlejohn,

Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guyther,
Hackney,

Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Poindexter,
Prentiss,
Purveyor,
Reid,
Roane,
Rush,
Smith,
Street,
Thrash,
Trull,
Washington,
Watters,
Whitchurst,
T. Wilson.—62.

Mr. Scales offered the following amendment :

Be it further Resolved, That no more Revenue should be collected from the people, than is absolutely necessary to defray the expenditures of the General Government, economically administered.

The Speaker ruled this amendment out of order, from which decision Mr. Scales appealed, and the question, Shall the decision of the Chair stand as the Judgment of the House, was decided in the affirmative.

Mr. Scales moved further to amend the Bill, by adding the following after the first resolution, viz :

Resolved, That our Senators in Congress be instructed, and our Rep-

representatives be requested, to conform to the opinion expressed in the foregoing Resolution.

The question on the adoption of this amendment, was decided in the negative—Yeas 17, Nays 91.

Those who voted in the affirmative, were

Messrs. E. Barnes,
Calloway,
Dunn,
Hackney,
Haughton,
Jackson,
Littlejohn,
Mebane,
Mitchell,

Messrs. R. T. Paine,
Perkins,
Prentiss,
Scales,
Shepard,
Washington,
Watters,
Whitehurst.—17.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Cherry,
Church,
Clayton,

Messrs. Jones,
Keener,
Kelly,
Kirk,
Lea,
Leathers,
Lemmond,
Locke,
Lord,
Mangum,
Martin,
Miller,
Mills,
Moore,
Murphy,
McIntyre,
McLean,
McNair,

Cochran,
 Collins,
 Credle,
 Cunningham,
 Davenport,
 Davis,
 W. Dickson,
 J. G. Dickson,
 Doak,
 Douthit,
 Ehringhaus,
 Ellis,
 Emerson,
 Fagg,
 Faucett,
 Fleming,
 Gambill,
 Gatling,
 Gee,
 George,
 Golding,
 Graves,
 Guyther,
 Hamrick,
 Harris,
 Harrison,
 Hawkins,
 Hayes,

McNeill,
 Odom,
 C. L. Payne,
 Poindexter,
 Puryear,
 Rankin,
 Reid,
 Reinhardt,
 Richardson,
 Roane,
 H. Robinson,
 Rush,
 Sanders,
 Shaw,
 Smith,
 Stone,
 Street,
 Taliaferro,
 Thrash,
 Trull,
 White,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 T. Wilson,
 Woodward.—91.

The question, Shall the said Resolutions pass the third reading, was decided in the affirmative—Yeas 65, Nays 49.

Those who voted in the affirmative, were

Messrs. Adams,
 Barco,
 D. A. Barnes,
 Bond,
 Brower,
 Brown,

Messrs. Keener,
 Leathers,
 Littlejohn,
 Locke,
 Lord,
 Mebane,

Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
Davis,
W. Dickson,
Doak,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guyther,
Hackney,
Harris,
Haughton,
Hayes,

Miller,
Mills,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Poindexter,
Prentiss,
Puryear,
Reid,
Roane,
T. Robinson,
Rush,
Smith,
Street,
Thrash
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
N. Wilson,
T. Wilson.—65.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,

Messrs. Lemmond,
Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,

Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,
Lea,

Richardson,
H. Robinson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
White,
Wilker,
N. L. Williamson,
R. P. Williamson,
Woodward.—49,

Ordered that the same be Engrossed.

Mr. T. Wilson presented a Resolution in favor of Samuel J. Finch.

Which was read the first time and passed, and referred to the Committee on Claims.

The House then took a recess till 3 o'clock.

THREE O'CLOCK, P. M.

The resignation of William Ennett, a Justice of the Peace of the County of Onslow, was presented, read and accepted.

The Bill to amend the Revised Statutes, entitled Rivers and Creeks, was read the second time and passed.

The Resolution in favor of William Davidson, was read the second and third times, passed, and ordered to be Engrossed.

Mr. Doak, from the Select Committee raised on the Message of His Excellency, the Governor, reported a Resolution relating to the History of the State.

Which was read the first time and passed.

On motion, leave of absence from the service of the House, from and after Monday next, was granted to Messrs. Murphy, Prentiss and H. H. Robinson; and from and after Wednesday next, to Mr. Clayton.

The Bill for the better regulation of the Militia of the State of North Carolina, was taken up and read the second time.

Mr. Poindexter moved to amend the Bill, by striking out the 6th Section thereof.

The question thereon was decided in the affirmative—Yeas 63, Nays 49.

Yeas and Nays demanded by Mr. Hackney.

Those who voted in the affirmative, were

Messrs. Atkins,

Barco,

E. Barnes,

Bond,

Bridgers,

Brogden,

Brower,

Brown,

Bullock,

Caldwell,

Calloway,

Clayton,

Cochran,

Collins,

Cunningham,

Davenport,

Davis,

W. Dickson,

J. G. Dickson,

Douthit,

Edwards,

Fleming,

Gatling,

Messrs. Keener,

Lemmond,

Littlejohn,

Locke,

Lord,

Martin,

Mills,

McIntyre,

McLean,

McNair,

C. L. Payne,

Perkins,

Poindexter,

Purveyor,

Rankin,

Regan,

Reinhardt,

Richardson,

H. Robinson,

Rush,

Shaw,

Shepard,

Smith,

Gee,
George,
Golding,
Graves,
Grist,
Hackney,
Harris,
Harrison,
Haughton,

Street,
Taliaferro,
White,
Whitehurst,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
T. Wilson.—63.

Those who voted in the negative, were

Messrs. Adams,
D. A. Barnes,
J. Barnes,
Beaman,
Brame,
Burgin,
Cherry,
Church,
Credle,
Doak,
Dunn,
Ehringhaus,
Ellis,
Fagg,
Faucett,
Foy,
Gambill,
Guyther,
Hamrick,
Hawkins,
Hayes,
Jackson,
Jones,
Kelly,
Kirk,

Messrs. Lea,
Leathers,
Mangum,
Mebane,
Miller,
Mitchell,
Moore,
Murphy,
McNeill,
Nixon,
Odom,
Phifer,
Prentiss,
Reid,
T. Robinson,
Scales,
Stone,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Wilder,
Woodward.—49.

The question—Shall said Bill pass the second reading, was determined in the negative—Yeas 53, Nays 59.

Yeas and Nays demanded by Mr. Hackney.

Those who voted in the affirmative, were

Messrs. J. Barnes,

Bond,
Brame,
Bullock,
Cherry,
Church,
Cochran,
W. Dickson,
J. G. Dickson,
Dunn,
Ehringhaus,
Fagg,
Fleming,
Foy,
Gambill,
Gee,
Golding,
Gnyther,
Hamrick,
Hawkins,
Hayes,
Jackson,
Jones,
Keener,
Kirk,
Locke,
Lord,

Messrs. Mangum,

Mebane,
Mitchell,
Moore,
Murphy,
McIntyre,
McLean,
Nixon,
Odom,
Phifer,
Prentiss,
Purveyar,
Regan,
Reid,
Roane,
Stone,
Taliaferro,
Thrash,
Trull,
Waddill,
Washington,
Watters,
White,
N. L. Williatson,
T. Wilson,
Woodward.—53.

Those who voted in the negative, were

Messrs. Adams,

Atkins,
Barco,
D. A. Barnes,
E. Barnes,
Beaman,

Messrs. Harrison,

Haughton,
Kelly,
Leathers,
Lemmond,
Littlejohn,

Bridgers,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Clayton,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
Doak,
Douthit,
Edwards,
Emerson,
Faucett,
Gatling,
George,
Graves,
Grist,
Hackuey,
Harris,

Martin,
Miller,
Mills,
McNair,
McNeill,
C. L. Payne,
Perkins,
Poindexter,
Rankin,
Reinhardt,
Richardson,
H. Robinson,
T. Robinson,
Rush,
Sanders,
Scales,
Shaw,
Smith,
Street,
Whitehurst,
Wilder,
R. P. Williamson,
N. Wilson.—59.

Mr. J. G. Dickson, who voted in the majority on the question by which the Engrossed Bill for changing the location of the Court House of Lincoln County, was rejected, moved that the House do now reconsider that vote.

And Mr. Lord moved to lay that motion on the table till 4th March next.

This question was decided in the affirmative—Yeas 60, Nays 46

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,

Messrs. Hayes,
Keoner,
Kelly,
Leathers,

Brame,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Davis,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gee,
Golding,
Grist,
Guyther,
Harris,
Haughton,
Hawkins,

Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Mills,
Moore,
McLean,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Prentiss,
Puryear,
Roane,
T. Robinson,
Rush,
Smith,
Street,
Thrash,
Waddill,
Washington,
Watters,
Whitehurst,
T. Wilson.—60.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,

Messrs. Mangum,
Martin,
Mitchell,
Murphy,
McIntyre,
McNeill,
Nixon,
Poindexter,
Rankin,
Reinhardt,
Richardson,
H. Robinson,

Ellis,
 Fleming,
 Gatling,
 George,
 Graves,
 Hamrick,
 Harrison,
 Jackson,
 Jones,
 Kirk,
 Lemmond,

Scales,
 Shaw,
 Shepard,
 Stone,
 Taliafero,
 White,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 Woodward.—46.

Mr. R. T. Paine moved that the House do now reconsider the vote just given.

And the question thereon was decided in the negative.

Mr. Bridgers moved that the House do now adjourn till Monday morning 10 o'clock.

The question thereon was decided in the negative—Yeas 54, Nays 54.

Those who voted in the affirmative, were

Messrs. Atkins,
 Barco,
 E. Barnes,
 J. Barnes,
 Beaman,
 Bond,
 Brame,
 Bridgers,
 Brown,
 Bullock,
 Burgin,
 Cherry,
 Cochran,
 Collins,
 Cunningham,
 W. Dickson,
 Edwards,

Messrs. Jackson,
 Lemmond,
 Littlejohn,
 Locke,
 Mangum,
 Martin,
 Mebane,
 Miller,
 Mitchell,
 Murphy,
 McIntyre,
 McNeill,
 Nixon,
 Phifer,
 Poindexter,
 Prentiss,
 Scales,

Ellis,
Fleming,
Foy,
Gatling,
Golding,
Grist,
Guyther,
Harris,
Harrison,
Hayes,

Shaw,
Shepard,
Stone,
Taliafero,
Trull,
Waddill,
Watters,
White,
Wilder,
Woodward.—54.

Those who voted in the negative, were

Messrs. Adams,

D. A. Barnes,

Brogden,

Brower,

Caldwell,

Calloway,

Church,

Clayton,

Davis,

J. G. Dickson,

Doak,

Douthitt,

Dunn,

Ehringhaus,

Emerson,

Fagg,

Faucett,

Gambill,

Gee,

Graves,

Haughton,

Hawkins,

Jones,

Keener,

Kelly,

Kirk,

Lea,

Messrs. Leathers,

Lord,

Mills,

Moore,

McLean,

McNair,

Odom,

R. T. Paine,

C. L. Payne,

Perkins,

Purveyer,

Rankin,

Reid,

Reinhardt,

Richardson,

Roane,

H. Robinson,

T. Robinson,

Rush,

Smith,

Street,

Thrash

Washington,

N. L. Williamson,

R. P. Williamson,

N. Wilson,

T. Wilson.—54.

The Speaker voted in the negative.

Whereupon, the House adjourned until half-past 7 o'clock, P. M.

—
HALF PAST 7 O'CLOCK, P. M.

The Resolution in favor of memorializing Congress to rebuild the Branch Mint at Charlotte, was read the second time and passed.

The Engrossed Bill to lease a Silver Mine to George Southerlin, the discoverer, and for other purposes, was read the second and third times, passed, and ordered to be Enrolled.

The Bill concerning Fraudulent Conveyances, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to prohibit Constables from Levying any Process, or Magistrates from hearing or determining any Civil Warrant at any place of Divine Worship, was read the second time.

And the question, Shall the said Bill pass the second reading was decided in the affirmative—Yeas 73, Nays 13.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
Bond,
Brogden,
Brower,
Brown,
Bullock,

Messrs. Jones,
Keener,
Kirk,
Lea,
Leathers,
Lemmon,
Lord,

Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Collins,
Credle,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Ellis,
Emerson,
Fagg,
Faucett,
Gambill,
Gatling,
Gee,
George,
Golding,
Graves,
Hackney,
Hamrick,
Harrison,
Haughton,
Hayes,

Mangum,
Martin,
Mebane,
Miller,
Mills,
McLean,
McNeill,
R. T. Paine,
C. L. Payno,
Perkins,
Phifer,
Purvey,
Rankin,
Regan,
Reid,
Reinhardt,
Roane,
T. Robinson,
Rush,
Scales,
Smith,
Stone,
Street,
Taliaferro,
Trull,
Washington,
Watters,
White,
Whitehurst.—78.

Those who voted in the negative, were

Messrs. D. A. Barnes,
J. Barnes,
Beaman,
Brame,
Davenport,
Fleming,
Hawkins,

Messrs. Kelly,
Moore,
H. Robinson,
Shaw,
R. P. Williamson,
N. Wilson.—13.

Ordered that said Bill be referred to the Committee on the Judiciary.

Mr. Cherry, from the Committee on Finance, reported unfavorably on the Resolution for dividing the bonus or surplus profits in the Bank of the State.

Which was read and laid on the table.

The Bill to amend the Revised Statutes, entitled an Act concerning Legacies, Filial Portions and Distributive Shares, and the Revised Statutes entitled Descents, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to incorporate the Trustees of the Bethania Literary Society and Academy, in Stokes County, was read the second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill to prevent the felling of timber in the Creeks and Rivers within the County of Cabarrus;

The Engrossed Bill to incorporate the Fayetteville Library Institute, in the Town of Fayetteville;

The Engrossed Bill to amend an Act passed in 1836-7, to incorporate the Town of Greensboro', in the County of Guilford;

Were each read the second and third times, passed, and ordered to be Enrolled.

The Bill to amend the 30th Section of the 88th Chapter of the Revised Statutes, relating to Pilots, was read the second time and passed.

The Bill to prevent obstructions in Hitchcock's Creek, in the County of Richmond;

And the Bill to improve the navigation of Cypress Creek, in Bladen County;

Were each read the second and third times, passed, and ordered to be Engrossed.

The Bill concerning the Superior Courts of Cleaveland County, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to incorporate Dunn Faison Academy, in the County of Duplin, was read the second and third times, passed, and ordered to be Engrossed.

Mr. Moore, from the Committee on the Judiciary, reported the Bill to prevent Constables from levying Warrants at Camp Meetings, with an amendment.

The amendment was agreed to.

And the question—Shall said Bill pass as amended, was decided in the affirmative—Yeas 84, Nays 7.

Yeas and Nays demanded by Mr. D. A. Barnes.

Those who voted in the affirmative, were

Messrs. Adams,

Barco,
D. A. Barnes,
Beaman,
Bond,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
Davis,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Edwards,
Ellis,
Emerson,
Fagg,
Faucett,
Fleming,
Gambill,
Gatling,
Gee,
George,
Golding,
Graves,

Messrs. Jones,

Keener,
Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Lord,
Mangum,
Martin,
Mebane,
Miller,
Mills,
Moore,
McLean,
McNeill,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Puryear,
Rankin,
Regan,
Reid,
Reinhardt,
Roane,
Rush,
Scales,
Shaw,
Smith,
Stone,
Street,
Taliaferro,
Thrash,
Trull,
Waddill,
Washington,
Watters,

Hackney,
Hamrick,
Harrison,
Haughton,

White,
Whitehurst,
N. L. Williamson,
R. P. Williamson.—84.

Those who voted in the negative, were

Messrs. J. Barnes,
Brame,
Harris,
Hawkins,

Messrs. Kelly,
H. Robinson,
T. Wilson.—7.

Ordered that said Bill be Engrossed.

The Bill concerning the Writ of Replevin, was read the second time and amended, and passed.

The Bill to divide the Militia of the County of Anson into two Regiments;

The Bill to form and establish a new Regiment out of the Militia in the County of Union;

And the Resolution for the relief of Thomas W. Rooker,

Were each read the second and third times, passed, and ordered to be Engrossed.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, JAN. 6, 1845.

Messrs. C. L. Payne, Nixon, Haughton and Wilder were ap-

pointed the Joint Select Committee on Enrolled Bills the present week, on behalf of the Commons.

The resignation of John Rhodes, as a Justice of the Peace of the County of Wilkes, was read and accepted.

Mr. Moore presented a Bill, to prevent obstructions to the free navigation of the waters of this State.

And also a Bill to prevent obstructions to the passage of fish up Fishing Creek.

Mr. Littlejohn, a Bill to amend the 2d Section of the 56th Chapter of the Revised Statutes, entitled an Act concerning Hunting.

Also, a Bill to prevent Fraudulent voting.

Also a Bill to amend 30th Section of 105th Chapter of Revised Statutes, concerning Salaries and Fees. And

Mr. N. Wilson, a Bill to extend the jurisdiction of Justices of the Peace, in and for the County of Catawba, in certain cases.

These Bills were read the first time and passed.

Mr. Moore, from the Committee on the Judiciary, who were instructed to enquire into the expediency of giving to any two Justices of the Peace, jurisdiction of all cases of Assaults and Batteries, reported that it is not expedient to legislate in the manner proposed, and prayed to be discharged from the further consideration of the subject.

The report was concurred in.

On motion, leave of absence from the service of the House, from and after Wednesday next, was granted to Messrs. Mills and Jackson.

Mr. Moore, from the Judiciary Committee, reported with an amendment the Bill concerning Crimes and Punishments.

The amendment was concurred in, and the Bill read the second time and passed.

Received a message from the Senate, informing that they had rejected the Engrossed Resolution in favor of Priscilla Goodwin; and that Messrs. Jeffreys and Lindsay form their branch of the Joint Select Committee on Enrolled Bills the present week.

Mr. McLean, from the Select Committee on the Penitentiary, reported with an amendment, the Engrossed Bill concerning a Penitentiary.

The amendment was concurred in.

Mr. R. T. Paine moved that said Bill do lie on the table.

The question thereon was decided in the negative—Yeas 11,
Nays 90.

Yeas and Nays demanded by Mr. Scales.

Those who voted in the affirmative, were

Messrs. Brame,
Collins,
Ellis,
Hawkins,
Keener,
Martin,

Messrs. Moore,
R. T. Paine,
Richardson,
Taliafero,
N. Wilson.—11.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Cunningham,
Davenport,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,

Messrs. Kelly,
Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Mangum,
Mebane,
Miller,
Mitchell,
McIntyre,
McLean,
McNair,
McNeill,
Nixon,
Odom,
C L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Rankin,

Dunn,
 Edwards,
 Emerson,
 Faucett,
 Foy,
 Gambill,
 Gatling,
 Gee,
 George,
 Golding,
 Graves,
 Grist,
 Guyther,
 Hackney,
 Hamrick,
 Harris,
 Harrison,
 Haughton,
 Hayes,
 Jackson,
 Jones,

Regan,
 Reid,
 Reinhardt,
 Roane,
 T. Robinson,
 Rush,
 Sanders,
 Scales,
 Shaw,
 Street,
 Thrash
 Trull,
 Washington,
 Watters,
 White,
 Whitehurst,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 T. Wilson,
 Woodward.—90.

The said Bill was read the second time as amended, and passed.
 Mr. Taliaferro, who voted in the majority on the question rejecting the Bill to improve a part of the State Road leading from the Town of Franklin, in Macon County, across the Nantahala and Valley River Mountain, to the new Town called Murphy, moved that the House do now reconsider that vote.

The motion to reconsider was laid on the table.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, viz: A Bill to modify an Act concerning Slaves and Free Persons of Color, passed in 1830;

A Bill to incorporate Washington Lodge No. 3, of the Independent Order of Odd Fellows, in the Town of Murfreesboro';

A Bill concerning the agents of Cherokee Lands; and

A Bill to amend the 10th Section of 45th Chapter of Revised Statutes, and asking the concurrence of this House.

The said Bills were read the first time and passed.

A message from the Senate, informing that they had passed the Engrossed Bill concerning the Superior Courts of Currituck County, with an amendment, and asking the concurrence of this House.

The amendment was read and concurred in.

A message from the Senate, informing that they had passed the Engrossed Bill providing for the appointment of Engrossing Clerks, with an amendment, and asking the concurrence of this House.

The amendment was read, and the House decided that they would not concur therein; and the Senate was so informed.

A message from the Senate, informing that they had postponed till 4th March next, the Engrossed Bill to repeal in part the 11th Section of 62d Chapter Rev. Stat., concerning the Powers and Jurisdiction of Justices of the Peace, and to amend the same.

A message from the Senate, informing that they concur in the amendments made by the House of Commons, to the Engrossed Bill to alter the mode of appointing Constables in Beaufort County; and the Bill to protect the Public Bridges in Tyrrell and Washington Counties.

Ordered that said Bills be Enrolled.

A message from the Senate, informing that they had passed the Engrossed Bill to authorize the foreclosure of the Mortgage of the Raleigh and Gaston Rail Road, with sundry amendments, and asking the concurrence of the House.

Among the amendments proposed by the Senate, was the following, viz:

"And be it further enacted, That when it shall appear that the proceeds of said Road are insufficient to keep said Road in repair, and pay all expenses of running the same, then it shall be the duty of the Governor to stop all operations on the Road."

And the question—Will the House concur in this amendment, was decided in the affirmative—Yeas 96, Nays 9.

Yeas and Nays demanded by Mr. Guyther.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,

Messrs. Hayes,
Jackson,
Jones,
Kelly,

E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Edwards,
Emerson,
Fagg,
Faucett,
Foy,
Gambill,
Gatling,
Gee,
George,
Golding,
Graves,
Guyther,
Hackney,
Hamrick,
Harris,
Harrison,
Hawkins,
Haughton,

Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Locke,
Lord,
Mangum,
Martin,
Mcbane,
Miller,
Mills,
Mitchell,
Moore,
McIntyre,
McLean,
McNair,
McNeill,
Nixon,
Odom,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Rankin,
Regan,
Reid,
Reinhardt,
Richardson,
Roane,
T. Robinson,
Rush,
Street,
Taliafero,
Thrash,
Trull,
Washington,
Watters,
Whitehurst,
Wilder,
N. L. Williamson,
R. P. Williamson,
T. Wilson,
Woodward.—96.

Those who voted in the negative, were

Messrs. Ellis,
Grist,
Keener,
Pratt,
Sanders,

Messrs. Scales,
Shaw,
Waddill,
White.—9.

The amendments to said Bill were all concurred in, and the Senate so informed.

The Engrossed Bill to prevent the levying of Executions upon Growing Crops until said Crops are matured, was read the third time.

The question being on the adoption of the amendment marked A—and this question was decided in the affirmative—Yeas 84, Nays 17.

Yeas and Nays demanded by Mr. Cunningham.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brown,
Bullock,
Burgin,
Caldwell,
Calloway,
Cherry,

Messrs. Kirk,
Lea,
Leathers,
Lemmond,
Littlejohn,
Lord,
Miller,
Mills,
Moore,
McIntyre,
McNair,
McNeill,
Nixon,
Odom,
R. T. Paine,

Church,
 Credle,
 Cunningham,
 Davenport,
 W. Dickson,
 J. G. Dickson,
 Doak,
 Douthit,
 Dunn,
 Edwards,
 Ehringhaus,
 Ellis,
 Emerson,
 Fagg,
 Faucett,
 Fleming,
 Gambill,
 Gee,
 George,
 Grist,
 Guyther,
 Hamrick,
 Harrison,
 Hayes,
 Jackson,
 Jones,
 Kelly,

C. L. Payne,
 Perkins,
 Poindexter,
 Pratt,
 Rankin,
 Regan,
 Reid,
 Reinhardt,
 Richardson,
 H. Robinson,
 Rush,
 Sanders,
 Scales,
 Shaw,
 Shepard,
 Taliaferro,
 Trull,
 Waddill,
 Washington,
 Watters,
 Whitehurst,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 T. Wilson,
 Woodward.—84.

Those who voted in the negative, were

Messrs. Atkins,
 D. A. Barnes,
 Brower,
 Cochran,
 Collins,
 Hackney,
 Haughton,
 Hawkins,
 Keener,

Messrs Locke,
 Mangum,
 Martin,
 Phifer,
 Roane,
 Street,
 Thrash,
 White.—17.

The question—Shall the said Bill pass the third reading, was decided in the affirmative.

The House then took a recess till 3 o'clock.

THREE O'CLOCK, P. M.

Mr. Washington presented a Resolution relating to the Statue of Washington.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill to incorporate Washington Lodge No. 3, of the Independent Order of Odd Fellows, in the Town of Murfreesboro', was read the second and third times, passed, and ordered to be Enrolled.

Mr. Washington, from the Committee on Internal Improvement, reported without amendment the Bill to establish and regulate a Turnpike Road in the County of Macon, to be called the Tennessee River Turnpike Company.

When said Bill was read the first and second times and passed.

Mr. Washington, from the same Committee, reported without amendment the Bill to appoint Commissioners to examine and lay off a Road in the County of Wilkes.

When the same was read the second time and passed.

Mr. Jones presented the following Resolution :

Resolved, That a message be sent to the Senate, proposing that both Houses of this General Assembly adjourn *sine die* on Thursday, the 9th inst. ; and that the Clerks make up the estimates to that time.

Mr. Foy moved that said Resolution be laid on the table.
This question was decided in the negative.

Mr. Moore moved to postpone the further consideration of the question until Friday next.

This question was decided in the negative—Yeas 40, Nays 67.
Yeas and Nays demanded by Mr. Perkins.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Beaman,
Bond,
Bridgers,
Brown,
Burgin,
Cherry,
Cochran,
Cunningham,
W. Dickson,
Ehringhaus,
Emerson,
Fagg,
Foy,
Gatling,
Graves,
Grist,
Guyther,
Hamrick,

Messrs. Harris,
Hayes,
Keener,
Lea,
Littlejohn,
Mangum,
Mebane,
Miller,
Moore,
McNeill,
R. T. Paine,
Reid,
T. Robinson,
Shaw,
Taliaferro,
Watters,
Whitehurst,
Wilder,
N. Wilson,
Woodward.—40.

Those who voted in the negative, were

Messrs. Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Brame,
Brogden,
Brower,
Bullock,
Caldwell,
Calloway,

Messrs. Kelly,
Kirk,
Leathers,
Lemmond,
Locke,
Lord,
Martin,
Mills,
McIntyre,
McLean,

Church,
Clayton,
Collins,
Credle,
Davenport,
Davis,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Edwards,
Ellis,
Faucett,
Fleming,
Gambill,
Gee,
George,
Golding,
Hackney,
Harrison,
Haughton,
Hawkins,
Jackson,
Jones,

McNair,
Nixon,
Odom,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Rankin,
Regan,
Reinhardt,
Richardson,
Roane,
Rush,
Scales,
Shepard,
Street,
Trull,
Waddill,
White,
N. L. Williamson,
R. P. Williamson,
T. Wilson.—67.

The question, Shall said Resolution be adopted, was decided in the affirmative.

On motion of Mr. R. T. Paine, the House took up the consideration of the motion made by Mr. Kirk, and heretofore laid upon the table, viz: to re-consider the vote of the House, by which was rejected the "Bill to locate the Residence of Judges of the Superior Courts hereafter to be elected."

When Mr. Kirk withdrew his said motion to re-consider.

The Chair decided this motion to be in order, and from this decision Mr. Moore took an appeal.

Mr. Hawkins moved that the question on the appeal be postponed till the fourth of March next.

And this motion prevailed—Yeas 65, Nays 43.

Yeas and Nays demanded by Mr. Moore.

Those who voted in the affirmative, were

Messrs. Beaman,
Brower,
Brown,
Bullock,
Burgin,
Calloway,
Church,
Cochran,
Collins,
Cunningham,
Davis,
W. Dickson,
Doak,
Douthitt,
Ellis,
Emerson
Faucett,
Fleming,
Gambill,
George,
Golding,
Graves,
Grist,
Hackney,
Hamrick,
Harris,
Haughton,
Hawkins,
Hayes,
Jones,
Kirk,
Lea,
Leathers,

Messrs. Littlejohn,
Locke,
Lord,
Mangum,
Martin,
Mebane,
Miller,
Mills,
McLean,
McNair,
Nixon,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Regan,
Reid,
Reinhardt,
T. Robinson,
Rush,
Scales,
Shepard,
Street,
Trull,
Waddill,
Washington,
White,
Whitehurst,
R. P. Williamson,
N. Wilson,
T. Wilson.—65.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,

Messrs. Gee,
Guyther,
Harrison,

D. A. Barnes,	Jackson,
E. Barnes,	Keener,
J. Barnes,	Kelly,
Bond,	Lemmond,
Brame,	Moore,
Bridgers,	McIntyre,
Brogden,	McNeill,
Caldwell,	Odom,
Cherry,	R. T. Paine,
Clayton,	Richardson,
Credle,	Roane,
Davenport,	Sanders,
J. G. Dickson,	Shaw,
Dunn,	Taliafero,
Edwards,	Watters,
Ehringhaus,	Wilder,
Fagg,	N. L. Williamson,
Foy,	Woodward.—43.
Gatling,	

The Resolutions in favor of memorializing Congress to re-build the Branch Mint at Charlottee, was read the third time, after having been amended on the motion of Mr. Caldwell,

And the question, Shall said Resolutions as amended, pass the third reading, was decided in the affirmative—Yeas 95, Nays 10.

Those who voted in the affirmative, were

Messrs. Adams,	Messrs. Kirk,
Atkins,	Lea,
Barco,	Lemmond,
D. A. Barnes,	Locke,
J. Barnes,	Lord,
Beaman,	Mangum,
Bridgers,	Martin,
Brogden,	Mebane,
Brower,	Miller,
Brown,	Mills,
Bullock,	Moore,
Burgin,	McIntyre,
Caldwell,	McLean,

Calloway,
 Cherry,
 Church,
 Clayton,
 Cochran,
 Collins,
 Credle,
 Cunningham,
 Davenport,
 W. Dickson,
 J. G. Dickson,
 Donk,
 Douthitt,
 Dunn,
 Edwards,
 Ellis,
 Emerson,
 Fagg,
 Fleming,
 Foy,
 Gambill,
 Gatling,
 Gee,
 George,
 Golding,
 Graves,
 Grist,
 Hackney,
 Hamrick,
 Harrison,
 Haughton,
 Hayes,
 Jackson,
 Jones,
 Keener,

McNair,
 McNeill,
 Odom,
 R. T. Paine,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Pratt,
 Rankin,
 Regan,
 Reul,
 Reinhardt,
 Richardson,
 Roane,
 T. Robinson,
 Rush,
 Scales,
 Shaw,
 Shepard,
 Street,
 Taliferro,
 Troll,
 Waddill,
 Washington,
 Watters,
 White,
 Whitehurst,
 Wilder,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 T. Wilson,
 Woodward.—95.

Those who voted in the negative, were

Messrs. Bond,
 Brame,
 Faucett,
 Guyther,
 Harris,

Messrs. Hawkins,
 Kelly,
 Leathers,
 Littlejohn,
 Sanders.—10.

Ordered, that the said Resolutions be Engrossed.

Mr. Wilder presented a Resolution in favor of Reeder and Lougee.

Which was read the first time and passed, and referred to the Committee on Claims.

The House then adjourned until 7 o'clock.

SEVEN O'CLOCK, P. M.

Mr. R. T. Paine introduced a Resolution in favor of the Door-keepers.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

Received a message from the Senate, proposing that the two Houses adjourn *sine die* on Thursday next, the 9th inst.

Ordered, on motion of Mr. Jones, that said message do lie on the table.

A message from the Senate, informing that they had passed the Engrossed Bill supplemental to an Act passed at the present Session of the General Assembly, entitled an Act, to amend an Act to incorporate the President and Directors and Company of the Yadkin Toll Bridge, and asking the concurrence of this House.

The said Bill was read the first, second and third times, passed, and ordered to be Enrolled.

A message from the Senate, informing that they had passed the Engrossed Bill, supplemental to an Act passed at the General Assembly of 1842, entitled an Act to lay off and establish a County by the name of McDowell, with sundry amendments, and asking the concurrence of this House.

The said amendments were concurred in, except the amendment marked A, in which the House do not concur.

The Bill concerning the Writ of Replevin, was read the second time and passed.

The Bill to amend the 30th Section of 88th Chapter of the Revised Statutes, concerning Pilots;

And the Resolutions relating to the Interchange of Documents;

Were each read the third time, passed, and ordered to be Engrossed.

The Bill to amend the Revised Statutes, entitled Rivers and Creeks, was read the third time, passed, and ordered to be Engrossed.

The Bill to alter the time of holding the Superior Courts of Law and Equity for the Counties of Rockingham and Guilford, was taken up and amended.

The Resolution in favor of Isaac White was read, and on motion of Mr. Jones, postponed till 4th March next.

The Bill concerning Crimes and Punishments;

And the Bill concerning the inspection of Flour;

Were each read the third time, passed, and ordered to be Engrossed.

The Engrossed Resolution in relation to a National Flag, was read the third time, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

Received a message from the Senate, transmitting a communication from His Excellency, Gov. Graham, in relation to the Bridge erected over Roanoke River by the Petersburg Rail Road Company, and proposing that the same be printed.

The proposition was agreed to.

A message from the Senate informing that they had passed the Engrossed Bill to appoint Commissioners to view and lay off a Road in the County of Ashe, with amendments and asking the concurrence of this House.

The said amendments were read and agreed to, and the Senate so informed.

A message from the Senate, informing that they had rejected the Engrossed Bill, to amend an Act entitled an Act, concerning Widows—Revised Statutes, chapter 121, sections 18, 19 and 20.

Mr. Moore, from the Committee on the Judiciary, reported a Bill to increase the Fees of Constables in the County of Granville.

Which was read the first time and passed.

Mr. Washington presented a Bill to amend the 7th Section of the Revised Statutes, entitled Guardian and Ward.

Which was read the first and second times and passed.

The Engrossed Bill to amend an Act, entitled an Act, to punish the default of Returning Officers in the election of President and Vice President of the United States, passed in 1842-3, was read the second and third times, passed, and ordered to be Enrolled.

The Bill to amend the 13th Section of 102d Chapter of the Revised Statutes, was read and ordered to lie on the table.

The Bill concerning the election of Constables, in the County of Iredell, was read the second time and passed, and on motion, laid on the table.

The Engrossed Bill to appoint Commissioners for the Town of Asheborough, in the County of Randolph, and to incorporate the same, was read the second and third times, passed, and ordered to be Enrolled.

Mr. Cherry presented a Resolution, directing the collection of the Bonds due the President and Directors of the Literary Fund.

Which was read the first and second times and passed.

The Bill to extend the jurisdiction of Justices of the Peace, in and for the County of Catawba, in certain cases, was read the second time; and on motion of Mr. D. A. Barnes, postponed indefinitely—Yeas 46, Nays 23.

Yeas and Nays demanded by Mr. N. Wilson.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brower,
Brown,
Caldwell,
Cherry,
Collins,
Davenport,

Messrs. Guyther,
Hawkins,
Haughton,
Jones,
Leathers,
Littlejohn,
Lord,
Mangum,
Mebane,
Miller,
Mills,
Moore,
McLean,
Odom,

W. Dickson,
Doak,
Edwards,
Fagg,
Faucett,
Gambill,
Gee,
Graves,
Grist,

R. T. Paine,
Perkins,
Poindexter,
Pratt,
Scalez,
Trull,
Waddill,
Watters,
R. P. Williamson.—46.

Those who voted in the negative, were

Messrs. Brogden,
Burgin,
Church,
Cochran,
Dunn,
Ellis,
Fleming,
Foy,
Golding,
Harrison,
Keener,
Kelly,

Messrs Kirk,
Martin,
McNair,
McNeill,
Regan,
Reid,
Reinhardt,
Shaw,
Taliaferro,
N. L. Williamson,
N. Wilson.—23.

The House then adjourned until to-morrow morning 10 o'clock.

TUESDAY, JAN. 7, 1845.

Mr. T. H. Robinson, from the Committee on Agriculture, re-

ported a Bill, providing for an Agricultural, Geological and Mineralogical survey of the State.

Which was read the first time and passed.

The Bill to make Real Estate Assets, was taken up, and read the third time.

Mr. Poindexter moved to amend said Bill, by striking out the whole thereof, after the enacting clause, and inserting as an amendment, the printed Bill from the Senate, marked A.

And Mr. D. A. Barnes called for a division of the question.

The question being taken on striking out, was decided in the negative.

And the said Bill passed the third reading.

Ordered that said Bill be Engrossed.

The Bill to amend the 7th Section of Rev. Stat., entitled Guardian and Ward, was read the third time, passed, and ordered to be Engrossed.

The Engrossed Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same, was read the third time.

Mr. D. A. Barnes moved to amend said Bill in the second Section, by adding after the word "Principal," the words, "and their sureties."

This amendment was rejected.

And the question—Shall the said Bill pass the third reading, was decided in the affirmative—Yeas 82, Nays 24.

Those who voted in the affirmative, were

Messrs. Adams,

Atkins,

Barco,

Beaman,

Bond,

Bridgers,

Brogden,

Brower,

Brown,

Bullock,

Burgin,

Caldwell,

Messrs. Lea,

Leathers,

Lemmond,

Littlejohn,

Locke,

Lord,

Mebane,

Mills,

Mitchell,

Moore,

McIntyre,

McLean,

Calloway,
 Cherry,
 Church,
 Clayton,
 Cochran,
 Credle,
 Davenport,
 W. Dickson,
 Doak,
 Emerson,
 Fagg,
 Fleming,
 Foy,
 Gambill,
 Gatling,
 George,
 Golding,
 Graves,
 Grist,
 Guyther,
 Hackney,
 Harris,
 Harrison,
 Haughton,
 Hayes,
 Jackson,
 Jones,
 Keener,
 Kirk,

McNair,
 McNeill,
 Nixon,
 R. T. Paine,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Pratt,
 Rankin,
 Regan,
 Reid,
 Reinhardt,
 Roane,
 T. Robinson,
 Rush,
 Shaw,
 Stone,
 Street,
 Thrash,
 Trull,
 Waddill,
 Washington,
 Watters,
 White,
 Whitehurst,
 N. Wilson,
 T. Wilson,
 Woodward.—82.

Those who voted in the negative, were

Messrs. D. A. Barnes,
 E. Barnes,
 J. Barnes,
 Brame,
 Collins,
 Cunningham,
 J. G. Dickson,
 Dunn,
 Edwards,

Messrs. Kelly,
 Mangum,
 Martin,
 Odom,
 Richardson,
 Sanders,
 Scales,
 Shepard,
 Taliafero,

Ellis,
Hamrick,
Hawkins,

Wilder,
N. L. Williamson,
R. P. Williamson.—24.

Ordered that said Bill be Enrolled.

Received a message from the Senate, informing that the following Engrossed Bills, viz :

A Bill to secure to citizens of this State, the right of fishing in the navigable waters of this State ;

A Bill to amend the 103d Chapter of the Act of the Revised Statutes, entitled an Act concerning Wrecks and Wrecked Property ; and

A Bill to prevent obstructions in Hitchcock's Creek, in the County of Richmond,

Had been passed in that House, with sundry amendments ; and asking the concurrence of this House.

The said amendments were read and concurred in.

A message from the Senate, informing that they had rejected the Engrossed Bill for the relief and benefit of Orphans.

And the Engrossed Bill to compel the Entry-taker of Union County to keep his office at the Court House in said County.

A message from the Senate, informing that they had passed the following Engrossed Bills, and asking the concurrence of this House, viz :

A Bill to make County Surveyors act as Processioners, in certain cases ;

A Bill making further compensation to the Jurors of Northampton County ;

A Bill declaratory of the meaning of the Act, entitled an Act, to aid the Internal Improvements of this State ;

A Bill to authorize the holding of two additional Terms of the Court of Pleas and Quarter Sessions for the County of Catawba, at which there shall be no Jury Trials ;

A Bill to amend an Act, entitled an Act, to authorize the laying out and establishing a Turnpike Road from the South Carolina line to Cain Creek Bridge, in Buncombe County ;

A Bill to prevent Free Negroes and Mulattoes from trafficking in Ardent Spirits ;

A Bill to locate the Court House in the County of Catawba, at the Town of Newton ;

A Resolution in favor of William Ennett;

A Resolution directing the Literary Board to lend \$1500 to the Asheville Boarding House Company; and

A Bill to authorize the payment of Tales Jurors in the County of Stokes.

The said Bills and Resolutions were read the first time and passed; and the last-named Bill was, on motion of Mr. Poindexter, ordered to be laid on the table.

The resignation of William Grey, as a Justice of the Peace of the County of Martin, was read and accepted.

The House then took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Received a message from the Senate, informing that they had passed the Engrossed Bill to consolidate and amend the Acts heretofore passed on the subject of Common Schools, and asking the concurrence of this House.

The said Bill was read the first time and passed.

Mr. T. Wilson, from the Committee on Claims, reported a Resolution in favor of the Commissioners of the Town of Wilmington.

Which was read the first time and passed.

Mr. Wilson, from the same Committee, reported favorably on the Resolution in favor of Justin Martindale;

The Resolution in favor of Reeder & Lougee;

And the Resolution in favor of Samuel J. Finch.

These Resolutions were read the second and third times, passed, and ordered to be Engrossed.

Mr. Cherry, from the Committee on Education, reported unfavorably on the Resolution in favor of Rowan County.

Said Resolution was amended on motion of Mr. J. Barnes.

And Mr. Haughton moved that said Resolution be postponed indefinitely.

The question thereon was decided in the affirmative—Yeas 85, Nays 19.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
Beaman,
Bond,
Brame,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Cunningham,
Davenport,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Fleming,
Foy,
Gambill,
Gatling,
Gee,
George,

Messrs. Keoner,
Kelly,
Lea,
Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Mills,
Mitchell,
Moore,
McIntyre,
McLean,
McNeill,
Nixon,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Rankin,
Regan,
Reid,
Richardson,
Roane,
T. Robinson,
Rush,
Scales,
Shaw,
Stone,

Golding,
Graves,
Grist,
Hackney,
Hamrick,
Harrie,
Haughton,
Hawkins,
Hayes,
Jackson,
Jones,

Street,
Taliafero,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
R. P. Williamson,
Woodward.—85.

Those who voted in the negative, were

Messrs. E. Barnes,
J. Barnes,
Brogden,
Collins,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Harrison,
Kirk,

Messrs. Lemmond,
Mangum,
Martin,
Reinhardt,
Sanders,
Shepard,
White,
N. L. Williamson,
N. Wilson.—19.

Mr. Caldwell moved that the House do now take up the motion heretofore laid on the table, to re-consider the vote of the House, by which was rejected the Bill to establish a new County by the name of Graham.

And the question, Will the House re-consider said vote, was decided in the negave—Yeas 45, Nays 54.

Those who voted in the affirmative, were

Messrs. Atkins,
Brogden,
Brower,

Messrs. Hayes,
Keener,
Locke,

Brown,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
W. Dickson,
Doak,
Douthit,
Emerson,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guyther,
Harris,

Lord,
Mills,
Moore,
McLean,
R. T. Paine,
Perkins,
Phifer,
Poindexter,
Reid,
Roane,
T. Robinson,
Rush,
Stone,
Street,
Thrash,
Trull,
Washington,
Watters,
Whitehurst.—45.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bullock,
Burgin,
Collins,
Cunningham,
Dayenport,
J. G. Dickson,
Dunn,
Edwards,
Ehringhaus,
Gatling,

Messrs. Lea,
Leathers,
Lemmond,
Littlejohn,
Mangum,
Martin,
Mebane,
Mitchell,
McIntyre,
McNeill,
Nixon,
Odom,
Pratt,
Rankin,
Regan,
Reinhardt,
Richardson,
Sanders,

Graves,
Hackney,
Hamrick,
Harrison,
Hawkins,
Jackson,
Jones,
Kelly,
Kirk,

Scales,
Shaw,
Shepard,
Taliafero,
White,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—54.

The Engrossed Bill concerning a Penitentiary, was read the third time.

Mr. R. T. Paine moved to amend said Bill, by striking out the whole thereof, after the enacting clause, and inserting an amendment marked A.

The question on this motion was decided in the negative—Yeas 3, Nays 97.

Those who voted in the affirmative, were

Messrs. Cherry,
Littlejohn,

Mr. R. T. Paine.—3.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Brower,

Messrs. Keener,
Kelly,
Kirk,
Lea,
Leathers,
Lemmond,
Locke,
Lord,
Mangum,
Martin,
Mebane,
Mills,

Brown,
Bullock,
Burgin,
Caldwell,
Calloway,
Church,
Cochran,
Collins,
Credle,
Cunningham,
Davenport,
W. Dickson,
J. G. Dickson,
Doak,
Douthit,
Dunn,
Edwards,
Ehringhaus,
Ellis,
Emerson,
Gambill,
Gatling,
Gee,
George,
Golding,
Graves,
Grist,
Guyther,
Hackney,
Hamrick,
Harris,
Harrison,
Haughton,
Hawkins,
Hayes,
Jackson,
Jones,

Mitchell,
McIntyre,
McLean,
McNair,
McNeill,
Odom,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Rankin,
Regan,
Reid,
Reinhardt,
Richardson,
Roane,
T. Robinson,
Rush,
Sanders,
Scales,
Shaw,
Stone,
Street,
Taliaferro,
Thrash,
Trull,
Washington,
Watters,
White,
Whitehurst,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
T. Wilson,
Woodward.—97.

The question—Shall said Bill pass the third reading, was decided in the affirmative.

Ordered that the concurrence of the Senate be asked in the amendments heretofore made.

The Resolution directing the collection of the Bonds due the President and Directors of the Literary Fund, was read the third time.

And the question—Shall said Bill pass the third reading, was decided in the affirmative—Yeas 52, Nays 42.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
J. Barnes,
Bond,
Brame,
Brogden,
Brower,
Bullock,
Burgin,
Caldwell,
Calloway,
Cherry,
Clayton,
Cochran,
Credle,
Davenport,
J. G. Dickson,
Douthit,
Edwards,
Ellis,
Gambill,
Gee,
George,
Golding,
Grist,
Guyther,

Messrs. Harris,
Harrison,
Hawkins,
Jackson,
Keener,
Kelly,
Littlejohn,
Locke,
McLean,
McNair,
R. T. Paine,
Perkins,
Phifer,
Regan,
Richardson,
Roane,
T. Robinson,
Rush,
Sanders,
Street,
Trull,
Washington,
Watters,
N. L. Williamson,
N. Wilson,
T. Wilson.—52.

Those who voted in the negative, were

Messrs. Atkins,
D. A. Barnes,
E. Barnes,

Messrs. Leathers,
Lemmond,
Lord,

Beaman,
 Bridgers,
 Brown,
 Church,
 Collins,
 Cunningham,
 Doak,
 Dunn,
 Fagg,
 Fleming,
 Gatling,
 Graves,
 Hackney,
 Hamrick,
 Haughton,
 Jones,
 Kirk,
 Lea,

Mangum,
 Martin,
 Mebane,
 McIntyre,
 McNeill,
 Odom,
 Pratt,
 Rankin,
 Reid,
 Reinhardt,
 Scales,
 Shaw,
 Shepard,
 Stone,
 Taliaferro,
 White,
 R. P. Williamson,
 Woodward.—42.

Ordered that said Resolution be Engrossed.

The Engrossed Bill to amend the Revised Statutes, entitled Courts of Equity, was read the second time and rejected.

Mr. Lord, from the Committee on Propositions and Grievances, reported a Bill to amend the 59th Chapter of the Revised Statutes, and 49th Section of said Act.

Which was read the first time and passed.

The Bill to amend 13th Section of the 102d Chapter of the Revised Statutes, was read the second time; and on motion of Mr. Brogden, indefinitely postponed.

The Bill to alter the time of holding the Superior Courts of Law and Equity for the Counties of Guilford, Rockingham and Orange, was read, and on motion of Mr. Mebane, laid on the table.

The following Protest of Mr. Fleming, was, on his motion, ordered to be spread on the Journal :

"The undersigned, being unable to subscribe to the Resolution authorizing the Treasurer to borrow upon the credit of the State, \$150,000, to meet her liabilities as security for the Rail Roads, would most respectfully beg leave to state his objections on the Journals, viz :

He is decidedly opposed to authorizing the State, by pledging the property of her citizens, to borrow any amount of money at an interest of 6 per cent., when the same may be had at 4 or 4 1-2 per cent., upon State security, thereby (in case the money is borrowed from the Banks,

as the Resolution allows,) taxing our citizens about \$3000 annually, for the benefit of said Bank, beyond what is actually necessary. It further provides not only for the payment of the debt falling due on the first day of January next, (which perhaps is justifiable from necessity,) but without suggesting any means for its discharge, authorizing additional loans for the succeeding year, and still no provision for their re-payment.

I must therefore look upon this Resolution as a staving off of responsibility upon some succeeding Legislature, to provide not only to meet the principal, but its accumulated interest, when our citizens may be in no better condition to meet the increased and increasing debt. Why have not those who have had charge of the matter, introduced some Bill imposing duties upon luxuries, or issuing Treasury notes to meet this responsibility, before this late day in the Session, if they have it under contemplation? By a Resolution of both Houses, we adjourn on Monday next, and as yet no provision has been made to meet any liabilities, but by borrowing. In my humble opinion, we had better discharge the debt by providing some suitable means for its extinguishment, than by transferring it to a Bank; and let us in future profit by the bitter experience of the past, and keep clear of endorsing for insolvent Companies when the industry of the country has to suffer by the experiment.

States, like individuals, can testify to the sad reality of borrowing, or making one debt discharge another, is inevitably followed by bankruptcy and ruin. And this principle, if once adopted, will ere long end in the destruction of our School Fund, and consequently deprive the poorer class of our population of those charitable means of instruction now provided by law.

The undersigned can therefore sanction no course which must visit its misfortunes upon that class of people most entitled to our consideration.

Respectfully submitted,

SAMUEL FLEMING.

Dec. 30, 1844."

The House now took a recess till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr. Waddill presented a Resolution in favor of Thos. W. Cash.

Which was read the first time and passed, and referred to a Select Committee, consisting of Messrs. Waddill, Atkins and Odom.

Mr. Harrison, who voted in the majority, moved that the House do now reconsider their vote of this day, by which was passed the Resolution directing the collection of Bonds due the President and Directors of the Literary Fund.

The question on reconsidering this vote, was decided in the negative—Yeas 42, Nays 51.

Those who voted in the affirmative, were

Messrs. D. A. Barnes,

Beaman,

Bridgers,

Brogden,

Brown,

Bullock,

Church,

Collins,

Dunn,

Edwards,

Ellis,

Fleming,

Gatling,

Hackney,

Hamrick,

Harrison,

Jackson,

Jones,

Kirk,

Lea,

Littlejohn,

Messrs. Lord,

Mangum,

Martin,

Mitchell,

McIntyre,

McNair,

McNeill,

Phifer,

Rankin,

Reinhardt,

Richardson,

Scales,

Shaw,

Stone,

Taliafero,

Watters,

White,

Wilder,

N. L. Williamson,

R. P. Williamson,

Woodward.—42.

Those who voted in the negative, were

Messrs. Adams,

Barco,

J. Barnes,

Bond,

Messrs. Keener,

Kelly,

Leathers,

Locke,

Brame,
 Brower,
 Burgin,
 Caldwell,
 Calloway,
 Cherry,
 Clayton,
 Cochran,
 Credle,
 Davenport,
 W. Dickson,
 J. G. Dickson,
 Doak,
 Douthit,
 Emerson,
 Fagg,
 Gambill,
 Gee,
 George,
 Golding,
 Haughton,
 Hawkins,

Mebane,
 Mills,
 Moore,
 McLean,
 Nixon,
 R. T. Paine,
 C. L. Payne,
 Perkins,
 Pratt,
 Regan,
 Reid,
 Roane,
 T. Robinson,
 Rush,
 Sanders,
 Shepard,
 Street,
 Thrash,
 Trull,
 Washington,
 N. Wilson.—51.

The Engrossed Bill to consolidate and amend the Acts heretofore passed on the subject of Common Schools, was read the second time, and amended on motion of Mr. Brown.

Mr. Cochran moved to strike out from the first section, the words, "Federal Population."

The question thereon was decided in the negative—Yeas 33, Nays 60.

Those who voted in the affirmative, were

Messrs. Brower,
 Brown,
 Burgin,
 Caldwell,
 Calloway,
 Church,
 Clayton,
 Cochran,

Messrs. Kirk,
 Locke,
 Lord,
 Mebane,
 Mills,
 Mitchell,
 Rankin,
 Roane,

Douthitt,
Ellis,
Fagg,
Fleming,
George,
Golding,
Hamrick,
Hayes,
Keener

Rush,
Scales,
Shaw,
Taliafero,
Thrash,
Trull,
White,
N. Wilson.—33.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Brame,
Bridgers,
Brogden,
Bullock,
Cherry,
Collins,
Credle,
Davenport,
W. Dickson,
J. G. Dickson,
Doak,
Dunn,
Edwards,
Emerson,
Gatling,
Gee,
Hackney,
Harris,
Harrison,
Haughton,
Hawkins,
Jackson,
Jones,

Messrs. Kelly,
Lea,
Leathers,
Littlejohn,
Mangum,
Martin,
Moore,
McIntyre,
McLean,
McNeill,
Nixon,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Regan,
Reid,
Richardson,
Sanders,
Shepard,
Stone,
Street,
Waddill,
Washington,
Watters,
Wilder,
N. L. Williamson,
R. P. Williamson,
Woodward.—60.

The question, Shall the said Bill pass the second reading, was decided in the affirmative.

On motion, the said Bill was read the third time and passed.

Ordered, that the concurrence of the Senate be asked in the amendment heretofore made.

Mr. Stone moved to re-consider the vote, by which was passed the third reading, the Engrossed Bill more effectually to secure the debts due for Cherokee Lands, and to facilitate the collection of the same.

And Mr. Caldwell moved that this motion be postponed till the 4th March next.

This question was decided in the affirmative—Yeas 67, Nays 27.

Those who voted in the affirmative, were

Messrs. Barco,

Bond,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
W. Dickson,
Doak,
Douthit,
Emerson,
Fagg,
Fleming,
Gee,
George,
Golding,
Graves,
Hackney,
Hamrick,
Harris,

Messrs. Leathers,

Littlejohn,
Locke,
Lord,
Mebane,
Mills,
Mitchell,
Moore,
McIntyre,
McLeán,
McNair,
Nixon,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Pratt,
Rankin,
Regan,
Reid,
Roane,
Rush,
Sanders,
Shepard,
Street,
Thrash,

Haughton,
Hawkins,
Hayes,
Jackson,
Jones,
Keener,
Kirk,
Lea,

Troll,
Waddill,
Washington,
Watters,
White,
N. Wilson,
Woodward.—67.

Those who voted in the negative, were

Messrs. Atkins,
D. A. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Bullock,
Collins,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Gatling,
Harrison,

Messrs. Kelly,
Mangum,
Martin,
McNeill,
Odom,
Richardson,
Scales,
Shaw,
Stone,
Taliafero,
Wilder,
N. L. Williamson,
R. P. Williamson.—27.

Mr. Atkins, from the Select Committee to whom was referred the Resolution in favor of Thomas W. Cash, reported the same without amendment.

When the said Resolution was read the second time and passed, Mr. Caldwell moved to amend the same, by adding a *Proviso*.

Which was agreed to, and the question, Shall the said Resolution pass the third reading, was decided in the affirmative—Yeas 58, Nays 34.

Those who voted in the affirmative, were

Messrs. Atkins,
Barco,
D. A. Barnes,
Burgin,
Caldwell,
Church,
Cherry,
Clayton,
Cochran,
W. Dickson,
Doak,
Douthitt
Fagg,
Fleming,
Gatling,
Gee,
George,
Golding,
Graves,
Hackney,
Harris,
Haughton,
Hawkins,
Hayes,
Jackson,
Keener,
Kirk,
Lea,
Littlejohn,

Messrs. Locke,
Lord,
Mebane,
Mills,
Moore,
McNair,
Nixon,
Odom,
R. T. Paine,
C. L. Payne,
Phifer,
Pratt,
Rankin,
Regan,
Reid,
Roane,
Sanders,
Scales,
Shepard,
Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
White,
Wilder,
R. P. Williamson,
Woodward.—58.

Those who voted in the negative, were

Messrs. Adams,
J. Barnes,
Beaman,
Bond,
Brame,
Brogden,

Messrs. Hamrick,
Harrison,
Jones,
Kelly,
Leathers,
Mangum,

Brower,
Brown,
Bullock,
Calloway,
Collins,
Credle,
Davenport,
J. G. Dickson,
Dunn,
Edwards,
Ellis,

Martin,
Mitchell,
McIntyre,
McNeill,
Perkins,
Richardson,
Rush,
Stone,
Taliafero,
N. L. Williamson,
N. Wilson.—34.

Ordered that said Resolution be Engrossed.

Received a message from the Senate, informing that they had passed the Engrossed Bill to provide for the re-organization of the Portsmouth and Roanoke Rail Road Company, with an amendment, and asking the concurrence of this House.

Mr. Washington moved that the said proposed amendment and the said Bill be postponed indefinitely.

And this question was decided in the affirmative—Yeas 58; Nays 41.

Those who voted in the affirmative, were

Messrs. Atkins,
J. Barnes,
Beaman,
Brame,
Brogden,
Brower,
Bullock,
Cochran,
Collins,
Credle,
Cunningham,
J. G. Dickson,
Doak,
Dunn,

Messrs. Kelly,
Kirk,
Lea,
Mangum,
Martin,
McIntyre,
McNeill,
Nixon,
Pratt,
Rankin,
Regan,
Richardson,
Roane,
Rush,

Edwards,
 Ellis,
 Emerson,
 Fleming,
 Gatling,
 George,
 Graves,
 Guyther,
 Hackney,
 Hamrick,
 Harris,
 Harrison,
 Hawkins,
 Jackson,
 Jones,

Sanders,
 Seales,
 Shaw,
 Shepard,
 Stone,
 Street,
 Taliafero,
 Thrash,
 Trull,
 Washington,
 White,
 Wilder,
 N. L. Williamson,
 N. Wilson,
 Woodward.—58.

Those who voted in the negative, were—

Messrs. Adams,
 Barco,
 D. A. Barnes,
 Bond,
 Bridgers,
 Brown,
 Burgin,
 Caldwell,
 Calloway,
 Cherry,
 Church,
 Clayton,
 Davenport,
 W. Dickson,
 Douthit,
 Fagg,
 Foy,
 Gambill,
 Gee,
 Golding,
 Grist,

Messrs. Haughton,
 Hayes,
 Kecner,
 Leathers,
 Littlejohn,
 Lord,
 Mebane,
 Mills,
 Moore,
 McLean,
 McNair,
 Odom,
 R. T. Paine,
 C. L. Payne,
 Phifer,
 Poindexre,
 Reid,
 Waddill,
 Watters,
 R. P. Williamson.—41.

Received a message from the Senate, informing that they had passed the Engrossed Bill to authorize the removal of the County seat in Wayne County, from the Town of Waynesboro' to the Village of Goldsboro', in said County of Wayne, in the event the people of said County shall vote for such removal; and asking the concurrence of this House.

Said Bill was read the first time and passed.

On motion, leave of absence was granted to Mr. Reid from and after Wednesday next.

And to Mr. T. Wilson, from and after Thursday next.

Received a message from the Senate, informing that they insist upon their amendment to the Engrossed Bill for the appointment of Engrossing Clerks.

Ordered that the Commons insist upon their disagreement to said amendment; and ask a Committee of Conference on the disagreeing votes of the two Houses.

The Bill to prevent obstructions to the free navigation of the waters of this State, was read the second time.

Mr. Ellis moved to lay the said Bill upon the table.

The question thereon was decided in the negative—Yeas 32, Nays 59.

Those who voted in the affirmative, were

Messrs. Atkins,

Brame,

Bullock,

Collins,

Cunningham,

J. G. Dickson,

Edwards,

Ellis,

Fleming,

Graves,

Hamrick,

Harris,

Harrison,

Hawkins,

Kirk,

Lea,

Messrs. Mangum,

Martin,

McIntyre,

McNeill,

Nixon,

Rankin,

Richardson,

Scales,

Shaw,

Stone,

Washington,

White,

Wilder,

N. L. Williamson,

N. Wilson,

Woodward.—32.

Those who voted in the negative, were

Messrs. Adams,
D. A. Barnes,
J. Barnes,
Beaman,
Bond,
Brogden,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Cochran,
Credle,
W. Dickson,
Doak,
Douthit,
Dunn,
Emerson,
Fagg,
Foy,
Gambill,
Gatling,
Gee,
George,
Golding,
Grist,
Guyther,
Hackney,
Haughton,

Messrs. Hayes,
Jackson,
Jones,
Keener,
Kelly,
Leathers,
Littlejohn,
Lord,
Mebane,
Mills,
Moore,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Poindexter,
Pratt,
Regan,
Reid,
Roane,
Rush,
Sanders,
Street,
Taliaferro,
Thrash,
Trull,
Walters,
R. P. Williamson.—59.

Mr. Fleming moved that the House do re-consider their vote, postponing indefinitely, the Senate's amendment to the Engrossed Bill, to provide for the re-organization of the Portsmouth and Roanoke Rail Road Company.

Which motion to re-consider was laid on the table.

Mr. moved that the Bill to prevent obstructions to the free navigation of the waters of this State, be postponed indefinitely.

This question was decided in the negative.

And pending the question, on the passage of the Bill the second reading, the House adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, JAN. 8, 1845.

Mr. Caldwell presented a Resolution concerning the Door-keepers.

Which was read the first, second, and third times, passed, and ordered to be Engrossed.

Mr. Littlejohn, from the Select Committee raised on that part of the Governor's Message relating to Asylums, made a report accompanied by a Bill, to provide for the Education and maintenance of the poor and destitute Deaf Mutes and Blind persons in the State.

The said Bill was read the first time and passed.

And the said report was, on motion of Mr. R. T. Paine, ordered to be printed.

Mr. Littlejohn, from the same Committee, reported a Bill for the establishment of a Lunatic Asylum.

Which was read the first time and passed.

Mr. Poindexter asked and obtained leave to withdraw from the files, the map connected with the memorial from Milton, and the certificate referred to in the petition of Risque.

Received a message from the Senate, agreeing that the two Houses shall adjourn *sine die* on Thursday next, as proposed by this House.

Received a message from the Senate, transmitting Reports from the majority and minority of the Joint Select Committee raised on the Communication of His Excellency, Governor Morehead, of 30th Dec. 1844, relating to the Correspondence between the Governor and John H. Wheeler, Public Treasurer.

The report of the majority of the Committee was read and concurred in.

On motion of Mr. Atkins, the report of the minority was read.

And Mr. Fleming moved that the letter of John H. Wheeler, accompanying said minority report, be also read.

Mr. T. H. Robinson moved that the motion of Mr. Fleming be laid on the table.

And this motion prevailed—Yeas 60, Nays 47.

Yeas and Nays demanded by Mr. N. Wilson.

Those who voted in the affirmative, were

Messrs.	Hayes,
Adams,	Keener
Barco,	Leathers,
D. A. Barnes,	Littlejohn,
Brower,	Locke
Brown,	Lord,
Burgin,	Mebane,
Caldwell,	Mills,
Calloway,	Moore,
Cherry,	McLean,
Church,	Odom,
Clayton,	R. T. Paine,
Cochran,	C. L. Payne,
Credle,	Perkins,
Davenport,	Phifer,
W. Dickson,	Poindexter,
Doak,	Pratt,
Douthit,	Regan,
Ehringhaus,	Reid,
Emerson,	Roane,
Fagg,	T. Robinson,
Foy,	Rush,
Gambill,	

Gee,
George,
Golding,
Grist,
Guyther,
Hackney,
Harris,
Haughton,

Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
T. Wilson.—60.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmond,
Mangum,
Martin,
Mitchell,
McIntyre,
McNair,
McNeill,
Nixon,
Rankin,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—47.

Mr. Ellis moved that these reports, together with the accompanying papers, be printed.

And Mr. Caldwell moved that the motion of Mr. Ellis be laid on the table.

And this motion prevailed—Yeas 58, Nays 47.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Clayton,
Cochran,
Credle,
Davenport,
W. Dickson,
Doak,
Douthit,
Ehringhaus,
Emerson,
Fagg,
Gambill,
Gee,
George,
Golding,
Grist,
Guyther,
Hackney,
Harris,
Haughton,
Hayes,

Messrs. Keener,
Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Regan,
Reid,
Roane,
T. Robinson,
Rush,
Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Whitehurst,
T. Wilson.—55.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
D. A. Barnes,
J. Barnes,

Messrs. Lea,
Lemmond,
Mangum,
Martin,

Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,

Mitchell,
McIntyre,
McNeill,
Nixon,
Rankin,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—47.

Received a message from the Senate, informing that they *insist* on the amendment marked A, to the Engrossed Bill supplemental to an Act passed at the last Session of the General Assembly, entitled an Act to lay off and establish a County by the name of McDowell.

Ordered that the House do recede from their disagreement to said amendment.

Received a message from the Senate, refusing to concur in the amendment made by this House, to the Engrossed Bill to prevent the levying of Executions upon Growing Crops, until said Crops are matured.

Ordered that the House do recede from their said amendment.
Ordered that said Bill be Enrolled.

Received a message from the Senate, informing that they had reconsidered their vote, rejecting the Engrossed Bill to revive and continue in force an Act passed in 1841, entitled an Act to authorize the laying off and establishing a Turnpike Road from Laxton Lynch's, in Rutherford County, to the Widow Sails', in

Buncombe County ; and that they had passed said Bill with an amendment transmitted, marked A ; and asking the concurrence of this House.

The said amendment was read and concurred in.

A message from the Senate, informing that they had passed the Engrossed Bill, to change the place of holding the County Courts of McDowell County, with an amendment marked A, and asking the concurrence of this House.

The amendment was read and concurred in, and the Senate so informed.

A message from the Senate, informing that they had passed the Engrossed Resolution relating to the interchange of Documents, with an amendment, and asking the concurrence of this House.

The said amendment was read and concurred in, and the Senate so informed.

The Engrossed Bill to alter the time of holding the Superior Courts of the Counties of Rockingham and Guilford, was read the first, second and third times, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

Received a message from the Senate, informing that they agree to the amendments made by this House to the Engrossed Resolution in relation to a National Flag ;

Also, the Engrossed Bill concerning a Penitentiary ;

Also, the Engrossed Bill to consolidate and amend the Acts heretofore passed on the subject of Common Schools.

Ordered that said Bills be Enrolled.

A message from the Senate, informing that they agree to the amendment made to the Engrossed Bill to repeal a part of an Act, Rev. Stat., Chap. 89, Sec. 1, as to the time and manner of electing Wardens of the Poor, so far as relates to the Counties of Hertford, Tyrrell and Yancy.

Ordered that said Bill be Enrolled.

Received a message from the Senate, informing that they had passed the Engrossed Bills to regulate the 70th and 71st Regiments of North Carolina Militia.

The Engrossed Bill to repeal a part of an Act of the General Assembly, Rev. Stat., Chap. 89, Sec. 1, as to the time and manner of electing Wardens of the Poor, so far as relates to Northampton County ;

The Bill to amend the 103d Chap. Rev. Stat. entitled an Act concerning the improvement of Rivers and Creeks—to prevent obstruction to their navigation;

And the Bill to revive and continue in force an Act passed at the Session of 1831-2, entitled an Act to re-enact and extend the provisions of an Act passed in the year 1829, entitled an Act, to incorporate the Lake Drummond and Orapeake Canal Company, and for other purposes; and asking the concurrence of this House.

These Bills were read the first, second and third times, passed, and ordered to be Enrolled.

The House then took a recess till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

On motion, leave of absence from the service of the House, from and after to-morrow, was granted to Messrs. Jones and Barco.

Mr. Roane presented a Bill to amend an Act passed in 1843, entitled an Act to incorporate the Nantahala Turnpike Company.

Which was read the first, second and third times, passed, and ordered to be Engrossed.

A message from the Senate, informing that they had postponed indefinitely the following Engrossed Bills, viz:

A Bill to amend the Act of 1792, and other subsequent Acts, in relation to the Charter of the City of Raleigh;

A Bill to authorize William Bland, of Chatham County, to construct a Dam across Haw River, and to erect a Mill thereon;

And a Bill for the relief and benefit of Orphans.

The Resolution in favor of the Commissioners of the Town of

Wilmington, and others, was read the second and third times, passed, and ordered to be Engrossed.

Mr. T. Wilson, from the Committee on Claims, reported unfavorably on the petition of the Heirs of John Pintard, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

The Bill to amend an Act, entitled an Act concerning Hunting, was read the second time and indefinitely postponed.

A message from the Senate, informing that they had passed the Engrossed Bill, fixing the Tolls in future for crossing Davis' Bridge, over Rockfish Creek, on the line between the Counties of Robeson and Cumberland; and asking the concurrence of this House.

The said Bill was read and rejected.

On motion, the House proceeded to the consideration of the question raised on the motion to reconsider the vote of yesterday, postponing indefinitely the amendment made by the Senate, to the Engrossed Bill providing for the re-organization of the Portsmouth and Roanoke Rail Road Company.

And the question—Will the House reconsider that vote, was decided in the affirmative—Yeas 52, Nays 51.

Those who voted in the affirmative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,
Bridgers,
Brown,
Burgin,
Caldwell,
Calloway,
Cherry,
Church,
Cradle,
Davenport,
W. Dickson,

Messrs. Leathers,
Littlejohn,
Locke,
Lord,
Mebane,
Miller,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,

Ehringhaus,
Fagg,
Foy,
Gambill,
Gee,
Golding,
Grist,
Guyther,
Hackney,
Haughton,
Hayes,
Keener,

Poindexter,
Reid,
Roane,
T. Robinson,
Street,
Thrash,
Trull,
Waddill,
Watters,
Whitehurst,
R. P. Williamson,
T. Wilson.—52:

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Brower,
Bullock,
Cochran,
Collins,
Cunningham,
J. G. Dickson,
Doak,
Dunn,
Edwards,
Ellis,
Emerson,
Fleming,
Gatling,
George,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,

Messrs. Kirk,
Lea,
Lemmond,
Mangum,
Martin,
Mitchell,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
Washington,
White,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—51.

The question recurring on the motion to postpone indefinitely the said amendment, the said Bill was decided in the negative—Yeas 48, Nays 55.

Those who voted in the affirmative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Bullock,
Cunningham,
J. G. Dickson,
Dunn,
Edwards,
Ellis,
Fleming,
Gatling,
George,
Graves,
Haekney,
Hamrick,
Harris,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,

Messrs. Lea,
Lemmond,
Mangum,
Martin,
Mitchell,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Taliaferro,
Washington,
White,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—48.

Those who voted in the negative, were

Messrs. Adams,
Barco,
D. A. Barnes,
Bond,

Messrs. Leathers,
Littlejohn,
Locke,
Lord,

Bridgers,
Brower,
Brown,
Burgin,
Caldwell,
Calloway,
Cherty,
Church,
Clayton,
Credle,
Davenport,
W. Dickson,
Doak,
Ehringhaus,
Fagg,
Foy,
Gambill,
Gee,
Golding,
Grist,
Guyther,
Houghton,
Hayes,
Keener,

Mebane,
Miller,
Moore,
McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Reid,
Roane,
T. Robinson,
Street,
Thrash,
Trull,
Waddill,
Watters,
Whitehurst,
R. P. Williamson,
T. Wilson.—55.

The question now being—Will the House concur in the said amendment of the Senate to the said Bill, was decided in the affirmative—Yeas 85, Nays 10.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
J. Barnes,
Beaman,

Messrs. Hawkins,
Hayes,
Jones,
Keener,
Kelly,
Lea,

Bond,
 Brame,
 Bridgers,
 Brogden,
 Brower,
 Brown,
 Bullock,
 Burgin,
 Caldwell,
 Calloway,
 Cherry,
 Church,
 Clayton,
 Collins,
 Credle,
 Cunningham,
 Davenport,
 W. Dickson,
 J. G. Dickson,
 Dunn,
 Edwards,
 Ehringhaus,
 Ellis,
 Fagg,
 Fleming,
 Foy,
 Gambill,
 Gatling,
 Gee,
 Golding,
 Graves,
 Grist,
 Guyther,
 Hamrick,
 Harris,
 Harrison,
 Haughton,

Leathers,
 Littlejohn,
 Lord,
 Martin,
 Mebane,
 Miller,
 Moore,
 McIntyre,
 McNair,
 McNeill,
 Odom,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Regan,
 Reid,
 Richardson,
 Roane,
 T. Robinson,
 Sanders,
 Shepard,
 Stone,
 Street,
 Taliafero,
 Thrash,
 Trull,
 Waddill,
 Washington,
 Watters,
 Whitehurst,
 N. L. Williamson,
 R. P. Williamson,
 N. Wilson,
 T. Wilson,
 Woodward.—85.

Those who voted in the negative, were

Messrs. E. Barnes,
 George,

Messrs. Mitchell,
 R. T. Paine,

Kirk,
Leminond,
Mangum.

Rankin,
Reinhardt,
White.—10.

The Resolution in favor of Adrian H. Van Bokkelin, was read the second and third times and passed.

And the Resolution in favor of Samuel J. Finch, was read the third time and passed.

A message from the Senate, informing that they had passed the Engrossed Bill to amend an Act, entitled an Act, to provide for the collection and management of a Revenue for this State.

And the Engrossed Bill to amend an Act, to incorporate the Town of Shelby, and for other purposes, and asking the concurrence of this House.

The said Bills were read the first, second and third times, passed, and ordered to be Enrolled.

A message from the Senate, informing that they had passed the Engrossed Bill, to provide for the Education and maintenance of the poor and destitute Deaf Mutes and Blind persons in the State, and asking the concurrence of this House.

The said Bill was read the first and second times, and passed.

The Resignations of William Dryton and Thomas Howell, Justices of the Peace for Yaney County, were read and accepted.

Received a message from the Senate, informing that they had passed the Engrossed Resolution, authorizing the employment of assistant Engrossing Clerks, and asking the concurrence of this House.

The said Resolution was read three times, and ordered to be Enrolled.

A message from the Senate, proposing that the two Houses do adjourn *sine die*, on to-morrow morning at 7 o'clock.

Ordered that said message do lie on the table.

On motion, leave of absence was granted to Messrs. Perkins, Credle and Davenport, after to-morrow.

Mr. Caldwell asked and obtained leave to withdraw from the files of the House, the Petitions from Burke in relation to the laying out of a new County, from a portion of her limits.

Received a message from the Senate, informing that they had

passed the Engrossed Bill to provide for making a survey from Raleigh to Fayetteville, West to the Georgia line, and asking the concurrence of this House.

The said Bill was read the first and second times, and passed.

The Bill was again read the third time, and the question, Shall said Bill pass the third reading, was determined in the affirmative—Yeas 46, Nays 46,

The Speaker voting in the affirmative.

Those who voted in the affirmative, were

Messrs. Bond,

Brower,

Burgin,

Caldwell,

Calloway,

Cherry,

Church,

Cochran,

Credle,

W. Dickson,

Doak,

Emerson,

Fagg,

Foy,

Gambill,

Gee,

George,

Graves,

Guyther,

Hackney,

Harris,

Haughton,

Hayes,

Messrs. Keener,

Lea,

Littlejohn,

Lord,

Moore,

McLean,

McNair,

McNeill,

Nixon,

R. T. Paine,

C. L. Payne,

Poindexter,

Regan,

Reid,

Roane,

T. Robinson,

Shaw,

Street,

Trull,

Waddill,

Washington,

Watters,

Whitehurst.—46.

Those who voted in the negative, were

Messrs. Atkins,

Barco,

J. Barnes,

Messrs. Kirk,

Leathers,

Lemmond,

Beaman, —	Mangum, —
Brame, —	Martin, —
Bridgere, —	Mebane, —
Brogden, —	Mitchell, —
Brown, —	McIntyre, —
Bullock, —	Perkins, —
Collins, —	Phifer, —
Cunningham, —	Pratt, —
Davenport, —	Rankin, —
J. G. Dickson, —	Reinhardt, —
Dunn, —	Richardson, —
Edwards, —	Sanders, —
Ellis, —	Scales, —
Gatling, —	Shepard, —
Hamrick, —	Stone, —
Harrison, —	Tabafero, —
Hawkins, —	N. L. Williamson, —
Jackson, —	R. P. Williamson, —
Jones, —	N. Wilson, —
Kelly, —	Woodward, —46.

The House then took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Received a message from the Senate, informing that they had passed the following Engrossed Bills, viz:

A Bill to authorize the Court of Pleas and Quarter Sessions of Pitt County to appoint special Justices, and making compensation to such Justices, for certain services;

A Bill to repeal an Act passed in the year 1825, concerning Fire Companies in the Town of Fayetteville;

And a Resolution authorizing R. W. Ashton to enclose a State lot in the City of Raleigh;

And asking the concurrence of this House

The said Bills and Resolution were read the first, second and third times, passed, and ordered to be Enrolled.

On the passage of the Resolution authorizing R. W. Ashton to enclose a State lot in the City of Raleigh, the third reading, the Yeas and Nays were demanded; and the vote was—Yeas 64, Nays 13.

Those who voted in the affirmative, were

Messrs. Adams,

Atkins,

Barco,

Bond,

Brower,

Brown,

Burgin,

Caldwell,

Calloway,

Church,

Credle,

Cunningham,

W. Dickson,

Doak,

Dunn,

Ellis,

Emerson,

Fagg,

Foy,

Gambill,

Gee,

George,

Golding,

Grist,

Guyther,

Hackney,

Messrs. Leathers,

Lemmond,

Littlejohn,

Lord,

Martin,

Mebane,

Moore,

McIntyre,

McNeill,

Nixon,

Odom,

R. T. Paine,

Poindexter,

Pratt,

Rankin,

Regan,

Reid,

Reinhardt,

Richardson,

Rosano,

Scales,

Shepard,

Stone,

Street,

Thraesh,

Trull,

Hamrick,
Harrison,
Haughton,
Jones,
Kirk,
Lea,

Washington,
Watters,
White,
Wilder,
R. P. Williamson,
Woodward.—64.

Those who voted in the negative, were

Messrs. E. Barnes,
J. Barnes,
Brame,
Brogden,
Bullock,
J. G. Dickson,
Edwards,

Messrs. Hawkins,
Kelly,
Perkins,
Sanders,
Taliafero,
N. Wilson.—13.

Received a message from the Senate, informing that they had passed the Engrossed Resolution, authorizing the Governor to employ Counsel in behalf of the State, whenever the public interest shall require; and asking the concurrence of this House.

The said Resolution was read three times, passed, and ordered to be Enrolled.

A message from the Senate, concurring in the amendments of this House, to the Engrossed Resolution on the subject of memorializing Congress to rebuild the Branch Mint at Charlotte;

And also, the Engrossed Bill to alter the time of holding the Superior Courts of Law and Equity for the Counties of Rockingham and Guilford.

A message from the Senate, informing that they had passed the Engrossed Preamble and Resolutions concerning John H. Wheeler, Public Treasurer, with an amendment marked A; and asking the concurrence of this House.

The said amendment was read, and the House decided that they would not concur therein.

A message from the Senate, informing that they had passed the Engrossed Resolution, appropriating \$1000 for the purchase of Furniture for the Governor's House, and asking the concurrence of this House.

The said Resolution was read three times, passed, and ordered to be Enrolled.

The Engrossed Resolution in favor of John H. Wheeler, Public Treasurer, was read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill to alter the time of holding Courts, was, on motion of Mr. Trull, indefinitely postponed.

Mr. Moore, from the Committee on the Judiciary, reported unfavorably on the Bill to amend an Act concerning the improvements of Rivers and Creeks, and to prevent obstructions to their navigation.

When said Bill was, on motion, laid upon the table.

The Bill to repeal the Acts relating to the manner in which Licenses shall hereafter be issued to retailers in New Hanover and Richmond;

The Resolution concerning the Printing of the Inaugural Addresses of the Governors of the State;

Were each read the second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill to authorize the holding of two additional Terms of the Courts of Pleas and Quarter Sessions, in and for the County of Catawba, at which there shall be no Jury Trials;

And the Engrossed Resolution in favor of John A. Averett, Sheriff of Onslow County;

Were each read the second and third times, passed, and ordered to be Enrolled.

Received a message from the Senate, informing that they had passed the Engrossed Bill to locate the Residences of the Judges hereafter to be elected, and asking the concurrence of this House.

The said Bill was read the first time and passed.

The Bill was again read the second time, and on motion, the further consideration thereof was postponed till 6th of March next.
--Yeas 51, Nays 48.

Those who voted in the affirmative, were

Messrs. Brower,
Brown,
Bullock,
Calloway,
Church,
Cochran,
Cunningham,
W. Dickson,
Doak,
Ellis,
Fleming,
Gambill,
George,
Golding,
Graves,
Hackney,
Hamrick,
Harrison,
Haughton,
Hawkins,
Kirk,
Lea,
Leathers,
Littlejohn,
Lord,
Mangum,

Messrs. Martin,
Mebane,
Miller,
McLean,
McNair,
Nixon,
O. L. Payne,
Phifer,
Poindexter,
Pratt,
Regan,
Reid,
Reinhardt,
T. Robinson,
Scales,
Shepard,
Stone,
Street,
Taliaferro,
Trull,
Waddill,
White,
Wilder,
R. P. Williamson,
N. Wilson.—51.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
Barco,
D. A. Barnes,
E. Barnes,
J. Barnes,
Beaman,

Messrs. Gatling,
Gee,
Gwyther,
Hayes,
Jones,
Keener,
Kelly,

Boud,
 Brame,
 Bridgers,
 Brogden,
 Burgin,
 Caldwell,
 Cherry,
 Collins,
 Credle,
 Davenport,
 J. G. Dickson,
 Dunn,
 Edwards,
 Ehringhaus,
 Emerson,
 Fagg,
 Foy,

Lemmond,
 Moore,
 McIntyre,
 McNeill,
 Odom,
 R. T. Paine,
 Perkins,
 Richardson,
 Roane,
 Sanders,
 Shaw,
 Thrash,
 Washington,
 Watters,
 Whitehurst,
 N. L. Williamson,
 Woodward.—48.

Received a message from the Senate, informing that they insist on their amendment made in the Resolution relating to John H. Wheeler, Public Treasurer.

Mr. Moore moved that the House do adhere to their disagreement to the Senate's amendment to the said Resolution.

And the question—Will the House so adhere, was decided in the affirmative—Yeas 47, Nays 13.

Those who voted in the affirmative, were

Messrs. Adams,
 Barco,
 D. A. Barnes,
 Brower,
 Brown,
 Burgin,
 Caldwell,
 Cherry,

Messrs. Harris,
 Haughton,
 Hayes,
 Leathers,
 Littlejohn,
 Lord,
 Mebane,
 Moore,

Church,
Cochran,
Credle,
Davenport,
W. Dickson,
Doak,
Emerson,
Fagg,
Foy,
Gambill,
Gee,
George,
Golding,
Grist,
Guyther,
Hackney,

McLean,
McNair,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Poindexter,
Pratt,
Reid,
Roane,
Thrash,
Trull,
Waddill,
Watters,
Whitehurst.—47.

Those who voted in the negative, were

Messrs. Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Bridgers,
Brogden,
Bullock,
Collins,
J. G. Dickson,
Dunn,
Edwards,
Fleming,
Gatling,
Graves,
Hamrick,
Harrison,
Hawkins,
Jones,
Kelly,
Kirk,
Lea,

Messrs. Lemmond,
Mangum,
Martin,
McIntyre,
McNeill,
Nixon,
Rankin,
Regan,
Reinhardt,
Richardson,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
White,
Wilder,
N. L. Williamson,
R. P. Williamson,
N. Wilson,
Woodward.—48.

The Engrossed Bill to provide for the Education and maintenance of the poor and destitute Deaf Mutes and Blind persons in this State, was read the third time.

And the question—Shall said Bill pass the third reading, was decided in the affirmative—Yeas 51, Nays 44.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
D. A. Barnes,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Calloway,
Cochran,
Credle,
W. Dickson,
Doak,
Emerson,
Fagg,
Fleming,
Gambill,
George,
Golding,
Guyther,
Harris,
Haughton,
Hayes,
Jones,
Keener,
Leathers,

Messrs. Littlejohn,
Lord,
Mebane,
Miller,
Moore,
McLean,
McNeill,
Nixon,
R. T. Paine,
C. L. Payne,
Phifer,
Poindexter,
Roane,
T. Robinson,
Sanders,
Scales,
Shaw,
Stone,
Street,
Thrash,
Trull,
Waddill,
Washington,
Watters,
Woodward.— 51.

Those who voted in the negative, were

Messrs. Barco,
E. Barnes,
J. Barnes

Messrs. Harrison,
Hawkins,
Kelly,

Beaman, —	Kirk, —
Bond, —	Lee, —
Brame, —	Lemmond, —
Bridgers, —	Mangum, —
Brogden, —	Martin, —
Cherry, —	McIntyre, —
Church, —	McNair, —
Collins, —	Perkins, —
Davenport, —	Pratt, —
J. G. Dickson, —	Rankin, —
Dunn, —	Regan, —
Edwards, —	Reid, —
Foy, —	Reinhardt, —
Gallio, —	Richardson, —
Gee, —	Whitehurst, —
Graves, —	Wilder, —
Grist, —	N. L. Williamson, —
Hackney, —	R. P. Williamson, —
Hamrick, —	N. Wilson. — 44. —

Ordered that said Bill be Enrolled.

The Bill to appoint Commissioners for the Town of Rockford, in the County of Surry, was read the second and third times, passed, and ordered to be Engrossed.

The Engrossed Bill to locate the Court House in the County of Catawba, at the Town of Newton;

The Engrossed Bill to incorporate Washington Academy, in the County of Duplin;

And the Engrossed Resolution in favor of William Ennett;

Were each read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill, to prevent fraud in levying Executions issued by a single Magistrate, upon lands, &c. was read the second and third time, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

The Resolution in favor of Wyche & Hawkins, was read the second time and rejected.

A message from the Senate, informing that they had rejected

the Engrossed Bill to lay off a public Road in Cherokee County, and to make an appropriation for the same.

And had also rejected the Engrossed Bill to make Real Estate Assets.

And also the Engrossed Resolutions in favor of the Fourth Instalment.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, JAN. 9, 1845.

The Resolution for enclosing the Capitol Square, was read the second time and passed; and the said Resolution was read the third time

And the question—Shall the said Resolution pass the third reading, was decided in the negative—Yeas 29, Nays 47.

Those who voted in the affirmative, were

Messrs. D. A. Barnes,
Bond,
Bridgers,
Burgin,
Cochran,

Messrs. Mebane,
Mitchell,
Moore,
McLean,
R. T. Paine,

Cunningham,
Doak,
Ellis,
Emerson,
George,
Harris,
Keener,
Littlejohn,
Lord,
Mangum,

Phifer,
Poindexter,
Reid,
Shepard,
Washington,
Watters,
White,
Wilder,
Woodward.—29.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
E. Barnes,
J. Barnes,
Beaman,
Brame,
Brogden,
Brower,
Brown,
Calloway,
Collins,
Credle,
J. G. Dickson,
Dunn,
Edwards,
Fagg,
Fleming,
Gambill,
Gatling,
Golding,
Hackney,
Hamrick,
Harrison,
Kelly,

Messrs. Kirk,
Leathers,
Lemmond,
Martin,
McIntyre,
McNeill,
Nixon,
Perkins,
Pratt,
Rankin,
Regan,
Reinhardt,
Roane,
Scales,
Shaw,
Stone,
Street,
Taliaferro,
Thrash,
Trull,
Whitehurst,
N. L. Williamson,
N. Wilson.—47.

The Bill to amend the 59th Chapter of the Rev. Stat. and 49th

Section of said Act, was read the second and third times, amended and passed, and ordered to be Engrossed.

On motion,

Ordered, That a message be sent to the Senate, proposing that the two Houses do adjourn on to-morrow, at 7 o'clock.

The Bill to restrain Notaries from exacting exorbitant fees for their services, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to repeal an Act passed in the year 1812, entitled an Act, to repeal an Act passed in the year 1835, entitled an Act to abolish the office of County Trustee, in the County of Moore, and for other purposes;

The Bill to prevent Free Negroes and Mulattoes from trafficking in Ardent Spirits;

And the Resolution relating to the Cherokee Indians residing in North Carolina;

Were each read the second and third times, passed, and ordered to be Engrossed.

The Resolution relating to the State Library, was read the second and third times, amended and passed, and ordered to be Engrossed.

Received a message from the Senate, informing that they adhere to their amendment marked A, to the Engrossed Resolution in relation to the Public Treasurer.

The Engrossed Resolution in favor of the Students of the Raleigh Academy, was read the second time, and on motion, laid on the table.

A message from the Senate, agreeing to the amendments of this House, to the Engrossed Bill to prevent Frauds in levying Executions issued by a single Magistrate.

Ordered that said Bill be Enrolled.

Received a message from the Senate, informing that they had passed the Engrossed Bill to incorporate the Mining, Manufacturing and Land Association.

And also, a Bill supplemental to an Act passed by the present General Assembly, entitled an Act to attach that part of Carteret County known as Oeracoeke, to Hyde.

Also, the Engrossed Resolution authorizing the Governor to

foreclose the Mortgage executed by the Club Foot and Harlow's Creek Canal Company; and asking the concurrence of this House.

The said Bills and Resolutions were each read three times, passed, and ordered to be Enrolled.

The Engrossed Bill to confirm a sale by James W. Guinn, Agent for the State, was read the second and third times, amended, and passed.

Ordered that the concurrence of the Senate be asked in said amendment.

The Bill providing for an Agricultural, Mineralogical and Geological Survey of the State, was read, and on motion of Mr. N. Wilson, indefinitely postponed.

The Engrossed Resolution in favor of the Students of the Raleigh Academy, was, on motion of Mr. Washington, re-considered, read the second and third times, passed, and ordered to be Enrolled.

Mr. R. T. Paine moved that the House do now re-consider their vote, by which was passed the third reading, the Engrossed Resolution in favor of John H. Wheeler, Public Treasurer.

Mr. Ellis moved that this motion to reconsider be laid upon the table.

And this motion prevailed.

The Engrossed Bill to provide for the removal of the obstructions to the navigation of Roanoke River, occasioned by the erection of the Petersburg Rail Road Bridge across the same, was read the second time and amended.

And the question—Shall said Bill pass, was decided in the affirmative—Yeas 63, Nays 7.

Those who voted in the affirmative, were

Messrs. Adams,
Atkins,
E. Barnes,
J. Barnes,

Messrs. Lea,
Lemmond,
Littlejohn,
Lord,

Beaman,
 Bond,
 Brame,
 Bridgers,
 Brogden,
 Brower,
 Brown,
 Bullock,
 Cherry,
 Church,
 Cochran,
 Collins,
 Cunningham,
 J. G. Dickson,
 Doak,
 Dunn,
 Edwards,
 Ellis,
 Fagg,
 Fleming,
 Foy,
 Gatling,
 Golding,
 Graves,
 Grist,
 Harrison,
 Kelly,
 Kirk,

Mangum,
 Martin,
 Mebane,
 Miller,
 Mitchell,
 McIntyre,
 McLean,
 McNeill,
 Nixon,
 C. L. Payne,
 Regan,
 Reid,
 Reinhardt,
 Richardson,
 Scales,
 Shaw,
 Stone,
 Taliafero,
 Thrash,
 Trull,
 Washington,
 Whitehurst,
 White,
 Wilder,
 N. L. Williamson,
 N. Wilson,
 Woodward.—63.

Those who voted in the negative, were

Messrs. D. A. Barnes,
 Hackney,
 Haughton,
 Moore,

Messrs. Shepard,
 Street,
 Watters.—7.

The House then took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr. Reid presented a Resolution relating to the Estimates of Allowances.

Which was read three times, passed, and ordered to be Engrossed.

On the passage of this Bill the third reading, Mr. Littlejohn demanded the Yeas and Nays.

And the vote was—Yeas 71, Nays 3.

Those who voted in the affirmative, were

Messrs Adams,
Atkins,
D. A. Barnes,
E. Barnes,
Beaman,
Bond,
Brame,
Brower,
Brown,
Bullock,
Burgin,
Caldwell,
Church,
Cochran,
Collins,
Credle,
Cunningham,
W. Dickson,
J. G. Dickson,
Doak,
Dunn,
Edwards,
Ellis,
Emerson,
Fagg,
Fleming,
George,
Golding,
Grist,

Messrs. Lemmond,
Mangum,
Martin,
Mebane,
Miller,
Mitchell,
McLean,
McNeill,
Odom,
R. T. Paine,
C. L. Payne,
Perkins,
Phifer,
Poindexter,
Pratt,
Rankin,
Regan,
Reid,
Reinhardt,
Sanders,
Scales,
Shaw,
Shepard,
Stone,
Street,
Taliafero,
Thrash,
Washington,
Watters,

Hackney,
Hamrick,
Harris,
Harrison,
Hayes,
Kelly,
Kirk,

White,
Whitehurst,
Wilder,
N. L. Williamson,
N. Wilson,
Woodward.—71.

Those who voted in the negative, were

Messrs. Keener,
Leathers,

Mr. Littlejohn.—3.

Received a message from the Senate, informing that they had passed the Engrossed Bill in addition to the Revised Statutes, entitled Wills and Testaments, and to amend the same; and to repeal part of the 15th Section of Revised Statutes, entitled Lands of Deceased Debtors, with an amendment, and asking the concurrence of this House.

The said amendment was read and concurred in.

A message from the Senate, informing that they had passed the Engrossed Bill for the more speedy administration of justice, and asking the concurrence of this House.

The said Bill was read three times, passed, and ordered to be Enrolled.

A message from the Senate, concurring in the amendments made by this House, to the Engrossed Bill to confirm a sale by James W. Guinn, Agent for the State.

The Bill to amend an Act passed at the Session of the Legislature of 1840-1, entitled an Act for the establishment and better regulation of Common Schools, was read, and on Mr. Moore's motion, postponed indefinitely.

A message from the Senate, informing that they had passed the Engrossed Bill to amend 59th Chapter of Revised Statutes, and 49th Section of said Act, with an amendment, and asking the concurrence of this House.

The said amendment was read and concurred in.

The Engrossed Bill to abolish the Board of Internal Improvement, and for other purposes, was read and postponed indefinitely.

The Bill to make Real Estate Assets in certain cases, was read the second time and laid upon the table.

The Bill to amend an Act passed at the last Session of the General Assembly, entitled an Act to amend an Act concerning Coroners;

The Resolutions relating to the History of the State, were read the second and third times, passed, and ordered to be Engrossed.

The Bill to authorize the several Banks in this State to issue notes of a less denomination than three dollars;

And the Resolution in favor of John I. Pasteur;

Were each read the second time, and rejected.

The Bill to amend the 30th Section of the 105th Chapter of the Revised Statutes, concerning Salaries and Fees, was read the second time and rejected.

The Bill to prevent the obstruction to the passage of fish up Fishing Creek, was read the second and third times, passed, and ordered to be Engrossed.

On motion, leave was granted to Messrs. Reid, Kirk and George, to withdraw from the files, the petitions and papers by them respectively presented, in regard to the establishment of the new Counties named Graham and Williams.

The Bill to prevent Fraudulent Voting, was read the second and third times, amended and passed, and ordered to be Engrossed.

The Bill to amend the 2d Section of the 56th Chapter of the Revised Statutes, entitled an Act concerning Hunting, was read, and on motion of Mr. Cunningham, postponed until the 4th March next.

The Bill for the establishment of a Lunatic Asylum, was read the second time and rejected.

The Engrossed Bill concerning the Agents of Cherokee Lands, was read the second and third times, passed, and ordered to be Enrolled.

A message from the Senate, concurring in the amendments made by this House, to the Engrossed Bill to provide for the removal of the obstructions to the navigation of Roanoke River, occasioned by the erection of the Petersburg Rail Road Bridge across the same.

Ordered that said Bill be Enrolled.

The Bill to amend the 10th Section of 45th Chapter Revised Statutes, was read the second and third times, passed, and ordered to be Enrolled.

The Bill to amend an Act for the establishment and better regulation of Common Schools, was read, and on motion of Mr. Seales, postponed indefinitely.

The Bill to establish and regulate a Turnpike Road in the County of Macon, to be called the Tennessee River Turnpike Road, was read the second and third times, passed, and ordered to be Engrossed.

The Bill to appoint Commissioners to examine and lay off a Road in the County of Wilkes;

And the Bill to increase the fees of Constables, in the County of Granville;

Were severally read, and laid on the table.

The Engrossed Resolution directing the Literary Board to lend \$1500 to the Asheville Boarding House Company, was read the second and third times, passed, and ordered to be Enrolled.

The Bill concerning the election of Sheriffs, was read the second time, and laid upon the table.

The Engrossed Bill to amend an Act, entitled an Act, to authorize the laying out and establishing a Turnpike Road, from the South Carolina line to Cain Creek Bridge, in Buncombe County; and

The Bill declaratory of the meaning of the Act, entitled an Act, to aid the Internal Improvements of this State;

Were each read the second and third times, passed, and ordered to be Enrolled.

The Engrossed Bill to authorize the removal of the County seat in Wayne County, from the Town of Waynesboro', to the Village of Goldsboro', was read the second and third times, passed, and ordered to be Enrolled.

The Bill making compensation to the Jurors of the County of Northampton;

The Engrossed Bill to make County Surveyor act as Processioner, in certain cases;

The Bill for the education and maintenance of the poor and destitute Deaf Mutes and Blind persons in this State;

And the Bill to regulate Constables' Sales;

Were each read, and laid on the table.

The Engrossed Bill to modify an Act concerning Free Negroes

and Slaves, passed in 1830, was read the second and third times, amended and passed.

Ordered that the concurrence of the Senate be asked in the amendment.

The House then took a recess until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr. Scales moved that the House do re-consider the vote rejecting the Resolution providing for the enclosing the Capitol Square.

The motion prevailed.

The said Resolution was amended, on motion of Mr. Washington and Mr. Wilder, and passed the second reading.

Received a message from the Senate, agreeing to the amendments made by this House, to the Engrossed Bill to modify an Act concerning Slaves and Free Negroes, passed in 1830.

Ordered that said Bill be Enrolled.

Mr. Cherry presented a Resolution directing the collection of the Bonds due the Literary Fund.

Which was read three times and passed, and ordered to be Engrossed.

The Resolution providing for enclosing the Capitol Square, was read the third time.

And the question—Shall said Bill pass the third reading, was decided in the negative—Yeas 27, Nays 50.

Those who voted in the affirmative, were

Messrs. D. A. Barnes,
Bullock,
Caldwell,
Cherry,
Cochran,
Cunningham,
Doak,
Ellis,
Emerson,
George,
Grist,
Harris,
Littlejohn,
Lord,

Messrs. Mangum
Miller,
Moore,
McLean,
Phifer,
Reid,
Scales,
Shaw,
Washington,
Watters,
Wilder,
R. P. Williamson,
Woodward.—27.

Those who voted in the negative, were

Messrs. Adams,
Atkins,
E. Barnes,
J. Barnes
Beaman,
Bond,
Brame,
Brogden,
Brower,
Brown,
Burgin,
Church,
Collins,
Credle,
W. Dickson,
J. G. Dickson,
Dunn,
Fagg,
Fleming,
Foy,

Messrs. Harrison,
Kelly,
Kirk,
Lea,
Leathers,
Lemmond,
Martin,
Mebane,
Mitchell,
McNeill,
Odom,
Perkins,
Pratt,
Rankin,
Regan,
Reinhardt,
Richardson,
Stone,
Street
Taliafero,

Gambill,
Gatling,
Graves,
Hackney,
Hamrick,

Thrash,
White,
Whitehurst,
N. L. Williamson,
N. Wilson.—50.

Mr. Moore presented a Resolution, providing for the purchase of a Bell for the use of the Legislature.

Which was read three times, passed, and ordered to be Engrossed.

Mr. Moore presented a Bill, to protect the Capitol Square from injury.

Mr. Mangum moved that said Bill be rejected.

The question thereon was decided in the negative—Yeas 22,
Nays 61.

Those who voted in the affirmative, were

Messrs. E. Barnes,
J. Barnes,
Beaman,
Brogden,
Collins,
J. G. Dickson,
Dunn,
Ellis,
Harrison,
Lemmond,
Mangum,

Messrs. Martin,
Odom,
Regan,
Richardson,
Shaw,
Stone,
Taliaferro,
Washington,
White,
Wilder,
N. Wilson.—22

Those who voted in the negative, were

Messrs. Adams,
Atkins,
D. A. Barnes,
Bond,

Messrs. Haughton,
Kelly,
Kirk,
Leathers,

Brame,
 Brower,
 Brown,
 Bullock,
 Burgin,
 Caldwell,
 Cherry,
 Church,
 Cochran,
 Credle,
 Cunningham,
 W. Dickson,
 Doak,
 Edwards,
 Emerson,
 Fagg,
 Fleming,
 Foy,
 Gambill,
 Gatling,
 George,
 Golding,
 Graves,
 Grist,
 Hackney,
 Hamrick,
 Harris,

Littlejohn,
 Lord,
 Mebane,
 Miller,
 Moore,
 McIntyre,
 McLean,
 McNeill,
 Nixon,
 C. L. Payne,
 Perkins,
 Phifer,
 Poindexter,
 Pratt,
 Rankin,
 Reid,
 Reinhardt,
 Roane,
 Scales,
 Street,
 Thrash,
 Watters,
 Whitehurst,
 N. L. Williamson,
 R. P. Williamson,
 Woodward.—61.

The said Bill thereupon passed the three several readings, and was ordered to be Engrossed.

Mr. White presented a Resolution, directing the Secretary of State, to receive proposals for enclosing the Capitol Square.

Which was read three times, passed, and ordered to be Engrossed..

Received a message from the Senate, informing that they had rejected the Engrossed Resolution, directing the collection of Bonds due the Literary Board.

A message from the Senate, informing that they had passed the Engrossed Resolution relating to the History of the State, with an amendment, and asking the concurrence of this House.

On motion of Mr. Hayes, leave was granted to withdraw the papers relating to the claim of Rensalaer B. Smith.

A message was received from the Senate, informing that they had passed the Engrossed Bill to encourage the culture and manufacture of Silk and Sugar among the Cherokee Indians, and asking the concurrence of this House.

The said Bill was read three times, amended and passed.

Ordered that the concurrence of the Senate be asked in said amendment.

A message from the Senate, informing that they had rejected the Engrossed Bill to prevent obstructions to the passage of fish up Fishing Creek.

A message from the Senate, informing that they concur in the amendments to the Engrossed Bill to amend 59th Chap. Rev. Stat. and 49th Sec. of said Act, with an amendment superadded.

The House then adjourned until to-morrow morning 5 o'clock.

FRIDAY, JAN. 10, 1845.

Five o'clock, A. M.

Received a message from the Senate, informing that they had laid upon the table the Engrossed Bill to protect the Capitol Square from injury.

A message from the Senate, concurring in the amendments made by the House of Commons, to the Engrossed Bill to encourage the culture and manufacture of Silk and Sugar among the Cherokee Indians in this State.

Ordered that said Bill be Enrolled.

On motion of Mr. Graves,

Ordered, That a message be sent to the Senate, informing that body that the House of Commons, having acted on all the public business before them, are now ready to adjourn *sine die*.

Received a message from the Senate, informing that that body is also ready to adjourn *sine die*.

Mr. Graves presented the following Resolution:

Resolved, That the thanks of this House are due, and are hereby tendered to the Honorable Edward Stanly, for the ability, dignity and impartiality with which he has discharged the duties of Speaker of this House.

This Resolution was read, and the question put by the Principal Clerk of the House.

When the same was adopted unanimously.

Whereupon, the Speaker made his acknowledgements to the House in an appropriate address, and adjourned the same without day. By order of

EDWARD STANLY,
Speaker House of Commons.

CHAS. MANLY, C. H. C.

